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HANSARD'S PARLIAMENTARY DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

8° & 9° VICTORIÆ, 1845.

VOL. LXXXI.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF JUNE,

TO

THE THIRD DAY OF JULY, 1845.

Fifth Volume of the Session.

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1845.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 4 FEBRUARY, 1845, IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Wednesday, June 4, 1845.

MINUTES.] BILLS. *Public.*—2ª. Maynooth College (Ireland).

Private.—1ª. North Walsham School Estate (Lord Wodehouse's); Bowes' Estate.

2ª. Chester and Holyhead Railway; Chester Improvement; Spoad Inclosure; Stokenchurch Road; Taunton Gas.

3ª. and passed:—Nottingham Inclosure.

PETITIONS PRESENTED. By the Bishop of St. David's, Earl of Clancarty, and by Lords Hatherton, Hill, and Kenyon, from Inhabitants of Sutton Bonnington, and numerous other places, against Increase of Grant to Maynooth College.—From Lampton, and 3 other places, for the Suppression of Intemperance, especially on the Sabbath.—From Derby, for the Better Observance of the Sabbath.—From Chatteris, and Southwell, against the Insolvent Debtors Act Amendment Bill, and for the Adoption of a Measure for the more easy Recovery of Small Debts.—From Blackburn, for the Repeal of the 57th Clause of the Insolvent Debtors Act Amendment Bill.—From Boston, and from Association of Working Men at Exeter, in favour of Increase of Grant to Maynooth College.

THE CHARGE OF THE BISHOP OF CASHEL.] The Bishop of *Cashel*: My Lords, a noble Marquess opposite (the Marquess of Normanby) last night brought a heavy charge against me—a charge of having used, upon a late occasion, very intemperate and very improper language. The noble Marquess alluded to a charge delivered by me at Lismore. I said last evening that I hoped I should be able to lay before the noble Marquess a copy of this charge. I was not then sure that I could procure a copy in London. However, I have been able to obtain two copies; one of these I have thought it to be my duty to send to the noble Duke (the Duke of Wellington); and the other I desire, after offering it to the inspection of your Lordships, to put into the hands of the noble Marquess. But I beg leave to say, that whilst I was perfectly sure that I never used any language at all similar to that read by the noble Marquess, yet, on looking more particularly over the charge, I feel myself authorized in stating this, that what the noble Marquess represented as part of my charge, is not a mere perversion of what I said, but is an original, wilful, fabrication of falsehoods, declaring that I said things to which there is not a tittle of similitude to

be found in the real version of the charge, which I now lay before your Lordships. And I would ask the noble Marquess to give me a copy of that which he brought before the House as a portion of that charge; for, as I am about to republish the latter—seeing that it has been so much spoken of—in the hope of thus putting my own defence in the hands of the noble Marquess, and of this House — in doing so, I would certainly wish to append to the true version that which the noble Marquess read last night to the House. I will not say one word as to the propriety or impropriety of the course taken by the noble Marquess. In fact, I would not trust myself upon the subject. All I can say is, that I will not further allude to it; I will not return evil for evil. There is, however, one question which I will ask. As I am sure the noble Marquess could not have made a statement of this nature, involving so gross and heavy a charge against an individual, without having what he considered sufficient authority for it, I think I may ask him to give up his authority for that which he read as a portion of my charge, and which is as foreign from that charge as any one thing which can be said is from another. Last night, the noble Marquess threw out a doubt as to whether the printed charge was a perfectly correct version of that delivered at Lismore. I can only say that a nephew—who is now in this town—heard me deliver that charge; I gave the manuscript into his hands—he copied it out for the press; and what he copied was first printed in the *Christian Examiner* in Dublin, and afterwards reprinted; so that the charge in its present form is as really my charge as any version of a charge or speech published by the person making it, possibly can be that charge or speech. I trust, therefore, that the noble Marquess will have no objection to state the authority upon which he gave the version which he read to the House last night of my charge; for in these stormy times, when no man's character is safe from violent attacks—of which I have certainly had my share—it is well to know those from whom they come, as such knowledge may give us some security and peace. At all events, I feel that I have a certain security against any future attacks from the noble Marquess. To any attack from that quarter, I feel that I am quite invulnerable; for I have only to keep that charge and the version of it which the noble Marquess has brought forward, as a defence against any future attack from the same source. At all events, I have a right to know the names of the persons who gave the paragraph which the noble Marquess read as the correct version of a portion of the charge which I now lay upon the Table.

The Marquess of *Normanby:* I am perfectly ready to make the exchange to which the right rev. Prelate alludes; indeed I have been expecting, as he was good enough to promise that he would have transmitted it to me, a correct version of his charge; and had he done so, I should have felt it to be my duty very carefully to peruse it, before coming down to the House. I now, however, hold in my hand, what I have brought here for the purpose of transferring to the hands of the right rev. Prelate for his perusal, and for the purpose of his taking a copy of it if he pleases—the letter which contains the statements, extracts of which I last night read to the House. I think the production of this document is due to myself, as well as to the right rev. Prelate, as, in the first part of his defence, he charged me with having kept by me for some time the accusation of some anonymous assailant The letter, on the authority of which I made the statement of last night, I now hold in my hand; and the person who writes this letter desires that it may not be supposed that he wishes to shrink from the responsibility of the communication. The signature to the letter is that of the very rev. Dr. Fogarty, the vicar general and parish priest of Lismore—a gentleman, I believe, as incapable of stating what he believes not to be true as any one of your Lordships. The communication he has made was given, he says, upon the authority of several persons who were present upon the occasion of the delivery of the charge, and who are ready, as I understand, to come forward and verify what they have stated. Upon perusing the letter, the right rev. Prelate will see that Dr. Fogarty distinctly states that he did endeavour to procure an authentic version of the charge, that he was unable to do so, and that he was not aware that such a document or publication was in existence. I therefore cannot but think it is much to be regretted, that if the right rev. Prelate printed his charge, it was not somehow disseminated in the district where the er-

roneous impression as to its purpose and nature prevailed. I do not know that I need say more. No man can regret more than I do having made an accusation which is found to be groundless. This much I am ready to state to the right rev. Prelate; but will he allow me to ask him one question, whether the charge was delivered extempore?

The Bishop of *Cashel:* It was not. It was a written charge, and was printed from the manuscript.

The Marquess of *Normanby:* I am most anxious to dismiss this matter from my mind and from that of your Lordships as completely as possible; and as the right rev. Prelate last night stated that he would not answer for every word of the printed charge, and as this avowal naturally raised the impression upon my mind that the charge was an extempore one, I put the question to which we have just heard the reply. But when the right rev. Prelate goes on and says that this error as to the nature of his charge, resting on the authority which I have mentioned, is to protect him in future from any attacks which I, as a Member of Parliament, may think it right to direct against his conduct as another Member of Parliament, he stretches the effect of the denial which he has been able to give to a specific charge much further than I think any of your Lordships will be willing to allow it to be pushed. I beg to say that I still entertain the opinion, and, from what I have lately heard from the lips of the right rev. Prelate, I am still more strongly induced to entertain the opinion which I have ever held, and to stand by any expression of that opinion to which I have ever given utterance—as to the discretion of the Government in the appointment of that right rev. Prelate. I do not wish to say this offensively; but I am bound to state it in justice to my own sense of duty as a Member of Parliament, and to state also that this circumstance, dismissed as it will be from my mind, will never produce the slightest effect upon me, whenever I may deem it my public duty to reflect upon the conduct and arguments of the right rev. Prelate.

The Duke of *Wellington:* The right rev. Prelate having done me the honour to give me a copy of the charge, I have perused it, and I must say that it does not contain one word in support of the version to which the noble Marquess has referred this evening, and which he particularly mentioned last night. It appears to me to be a regular ecclesiastical charge—a charge such as that which a person in the situation of the right rev. Prelate ought to deliver. It does not contain a word calculated to be injurious to anybody, and I am convinced nobody can read it without the greatest satisfaction, and without the greatest respect for the right rev. Prelate who delivered it.

Lord *Campbell:* The right rev. Prelate has confessedly cleared himself from the imputation of having used the language attributed to him; but at the same time I must say, having just cast my eye over the published version of the charge, that it contains expressions which might not unnaturally have led to the misapprehension complained of. Perhaps your Lordships will permit me to read a sentence. Here is one of the sentences:—

"I feel that I need not enter into any particulars in warning you against this new or lately revived heresy, as I have no reason to conclude that the clergy of this diocese are infected with its poison. We live so much in the midst of genuine Popery, that we are in the less danger of being tainted by a kindred corruption. It has been said by a shrewd and pious man, that Popery was the masterpiece of Satan, and that he would never bring into the world another scheme equal in cunning and mischief. This is not, however, a new scheme, but a modification of Popish virus, founded on those principles so congenial to human nature, and turning towards the original source from whence they spring."

I think, under the circumstances, my noble Friend behind me might reasonably stand excused for falling into the mistake of supposing that the right rev. Prelate had declared that Popery was the masterpiece of Satan.

The Bishop of *Cashel:* I used the words, certainly; but I said distinctly, that some one else had so said; and what I said was—to speak it out—against the Tractarian doctrines of the present day.

MAYNOOTH COLLEGE (IRELAND) BILL — ADJOURNED DEBATE (THIRD NIGHT).] Order of the Day for resuming the adjourned debate on the Amendment read. Debate resumed accordingly.

Earl of *Clancarty:* My Lords, in rising to resume the debate, already much protracted, upon the Maynooth Endowment Bill, I feel that I owe some apology to the House for having pressed for a second

adjournment of the discussion. I trust, however, that your Lordships will not think that I was unreasonable in so doing, when I remind you that, whereas six noble Lords on last evening addressed the House in favour of the measure, only two were permitted to address your Lordships against it; and that not one of those who spoke on either side, was at all connected with that part of the United Kingdom that could be principally affected by the measure. My Lords, as an Irishman and a Protestant, I felt desirous to address you upon it. As an Irishman, in behalf of my fellow countrymen; as a Protestant, in defence of our Protestant Constitution, which this measure cannot fail of compromising. But my best apology, perhaps, for having adjourned the debate is, that I felt it really important that your Lordships, before coming to any decision, should be enabled maturely to consider the important statements contained in the very valuable speech of the right rev. Prelate who addressed the House last but one, and the equally important admissions contained in the eloquent address of the noble and learned Lord (Lord Brougham) who spoke last. The admissions I allude to, are the noble Lord's confirmation of all the statements of my noble Friend (Lord Roden), and of the right rev. Prelate, with respect to the class books taught at Maynooth College; his admission of the intolerant and objectionable nature of the doctrines of the Church of Rome, and his objection to academical institutions of an exclusive kind, but especially to such institutions exclusively ecclesiastical. The arguments of the noble and learned Lord's speech I claim in behalf of my noble Friend's Amendment; his vote, I regret, is to be given with strange inconsistency against it. My Lords, like the noble Earl who spoke first last night, I feel that I have need to pray your indulgence as for one little habituated to address you; like the same noble Earl I may assure your Lordships, that I should not address you at all, but for the very important principle involved in the Bill before you. Further than this, I cannot go another step with the noble Earl. When the noble Earl advocated a measure for the dissemination of doctrines which he at the same time told you he abhorred, he did what I never could bring myself to do; but when he suggested the endowment of a Church—of which he again professed his abhorrence—out of the funds that were to go the support of a Church towards which he professed the warmest attachment, I own I felt a degree of astonishment, which could only have been exceeded by what I since felt at learning that the noble Earl, with such opinions, holds a high office in Her Majesty's Household. My Lords, when opinions such as these come from within the walls of Buckingham Palace, I feel that it is necessary to demand from Her Majesty's Government an explicit statement as to their further intentions, with reference to religious endowments in Ireland. As, however, the noble Earl stated, as the reason of his suggested transfer of the funds of the Protestant Church, his belief that there were in Ireland 151 livings, in which not a single Protestant resided, I trust, that as it is in my power to show from the Paper I hold in my hand that he is greatly misinformed, he will, with his corrected knowledge of facts, reconsider his views somewhat hastily taken up. The following is the statement I wish to lay before the House. In the Report of the Commissioners of Public Instruction (not favourable to Protestants), 1834, and the Appendix, it will be seen that there are forty-one benefices, with no member of the Establishment (not 151). There are eighty-two with ten or less: of these, thirty-nine clergymen have other duties to perform—generally they are curates of adjoining parishes; the income of these thirty-nine is 4,134*l*. Six are in the hands of Ecclesiastical Commissioners. Twenty-four, no provision for clergymen. The remaining thirteen clergymen are non-resident, having no residence or glebe; their income on the whole is 1,169*l*. The support of the noble Earl who spoke next in advocacy of the measure is perfectly intelligible; the eulogium he pronounced, in the course of his very able speech, upon the Church of Rome, its saving truths, its near approximation to the Anglican Church, will fully justify the vote he purposes giving, for the more extended dissemination of such doctrines. I cannot, however, concur with him either in the opinions he has expressed of Roman Catholic doctrines, or in the preference he declared for the Church of Rome over that form of Protestant worship that is established in Scotland. Were I, a member of the Anglican Church, to visit Scotland, I should not hesitate to repair to the Scottish Kirk,

there to worship as with those of the same household of faith as myself; but were I in a Roman Catholic country, I could not, with Roman Catholics, bow the knee before an image, or address a prayer to the Virgin Mary: differing with the noble Earl, therefore, in his premises, I necessarily arrive at a different conclusion—I could not give my support to the Maynooth Bill. The noble Earl's support of it is both consistent and intelligible. With my noble Friend (Lord Winchilsea) who followed in the debate, I join in all those truly Protestant sentiments to which he gave such eloquent expression: it is not, however, inconsistent with the sincerest attachment to our Protestant faith to say that I cannot concur with my noble Friend in regretting that an equality of civil rights has been extended to our Roman Catholic fellow subjects. The noble and learned Lord (Brougham), referring to the history of past times, has, in very marked terms, justified the enactment of the penal code; but those times are now gone by; the penal code has ceased to exist, and I am of opinion that the time had come, ere the Relief Bill of 1829, when Roman Catholics ought to have been readmitted to an equality of civil privileges. I do not think that the admission of Roman Catholics to seats in Parliament has endangered the Protestant Establishment: every measure injurious to the Church has originated with Protestants; and I must say that with honourable and educated men coming into Parliament, the oath imposed by the Relief Act affords quite as well-grounded a security for the Protestant establishment as do the oaths taken by Protestants. My acquaintance with the Roman Catholic laity of Ireland, and the deservedly high consideration enjoyed by the noble Baron opposite (Lord Beaumont), as a Member of your Lordships' House, leave me no other ground of regret at the removal of Roman Catholic disabilities, than that it did not take place at an earlier period. I will now advert for a few moments to the speech of the noble Marquess opposite (the Marquess of Normanby), who rose next in the debate. I listened with the utmost astonishment to the attack which the noble Marquess made against the character of a right rev. and most respectable Prelate (Bishop of Cashel); but whatever of pain I felt at the circumstance was, I confess, most fully compensated by the gratification with which, in common with your Lordships, I witnessed the triumphant refutation which the right rev. Prelate has this evening given to a most calumnious charge. The noble Marquess is now happily convinced that his informant had deceived him. It turns out, somewhat curiously, that his informant was a Roman Catholic priest. I will, however, hope that this priest was himself deceived in making the communication to the noble Marquess, and that the falsehood of the charge had some other origin. I cannot, however, forbear from expressing my regret, that the noble Marquess appeared so reluctant to do justice to the right rev. Prelate, and to desist from attacking him. I am sure that the noble Marquess had no other motive in making the charge he did last night, than that of affording, as he said, the right rev. Prelate the opportunity of refuting it; but it was an omission, and not a very excusable one, that no notice whatever was given of his intention. I cannot leave this subject, my Lords, without noticing the striking contrast exhibited between the handsome and generous testimony borne by the noble and gallant Duke this evening, after a perusal of the whole of the right rev. Prelate's charge, to its unexceptionable and useful contents; and the course which a noble and learned Lord (Lord Campbell) immediately after thought proper to adopt, of reading to the House a garbled extract from that charge, with a view of reviving this most unfair attack upon the right rev. Prelate. But to return to the noble Marquess's speech. I understood him in the course of it to have made a kind of appeal to me whether he had not, while in Ireland, taken pains to inform himself upon Irish matters? I would beg to assure the noble Marquess, that although I thought there was much in his administration to prevent my evincing that respect for his government which ought to be paid generally to the viceregal government of Ireland, I yet do believe that the noble Marquess takes a sincere interest in the welfare of Ireland; and it is most due to the noble Marquess to state, and I do it with gratitude, as a member of the Protestant Church, that the Church appointments made by the noble Marquess were most creditable. Dr. Sandys, the late Bishop of Cashel, fully deserved the eulogium that has been expressed; and I need only add, that the present Bishop of Killaloe

was likewise appointed by the noble Marquess, to show that the selections made by him were free from any political considerations, and governed by the highest and purest motives. Next in yesterday's debate came the most rev. Prelate connected with Ireland. His argument in favour of the Bill proceeded upon the supposition, that favour and endowment, or persecution and intolerance, were the only alternatives for the Government to choose between with reference to the Roman Catholic religion. He stated that he was not unmindful of his vow to "use all faithful diligence to banish and drive away all strange doctrine contrary to God's Word." "There were different ways," said the most rev. Prelate, "of banishing such doctrines. How was he to drive them out? By secular coercion? by penal laws? by the bayonet? Was he to propagate and uphold what he thought to be truth by drawing the sword in its defence? Sooner than do that, he would renounce his high station, and retire into some humble situation of life." My Lords, there was no question about persecution. The most rev. Prelate overlooked the real question at issue, which is, whether error should be tolerated or cherished. Toleration, as opposed to persecution, I hold to be perfectly consistent with the duty undertaken by a Protestant clergyman at his ordination; and I regret to feel myself called upon to remind one in the most rev. Prelate's position, that the weapon of a Christian's warfare—the only weapon which it becomes a Christian minister to wield for the purpose of banishing error and upholding truth—is "the sword of the Spirit, which is the Word of God." I must also remind the most rev. Prelate, that he has left his explanation of the vow he made at his consecration very incomplete. He only explained his sense of the first part of it, the duty he undertook of banishing all erroneous doctrine, &c.; he forgot to add that he had likewise vowed "openly and privately to call upon and encourage others to the same." In the absence of any explanation of this from the most rev. Prelate, the House, I think, will be inclined to adopt that which was afforded by the right rev. Prelate who addressed your Lordships on the first night of this debate. I now turn, my Lords, to the case made out by the noble Duke for the introduction of this Bill, and the grounds of the noble Earl's (Lord St. Germans) resistance to the Motion of my noble Friend. The noble Duke rested the case upon the number of the Roman Catholics in Ireland—the existence of Maynooth College—and that he considered it objectionable that the Roman Catholic priests should be educated upon the Continent, where such differences of opinion now prevailed upon religious subjects. The strong claims of my Roman Catholic fellow countrymen upon the sympathies and consideration of the Government, I should be the last person to deny. The existence of Maynooth College is also a fact that must be looked to by the Government; but I wholly deny that the interest or welfare of the Irish people will be at all consulted by the maintenance of that College under the present system of discipline and instruction pursued there. If the College must be continued, still more if it is to be perpetuated, it is of the last importance that the Committee moved for by my noble Friend should be granted, that such modifications may be made in it as may really render it an institution conducive to the interests of the Irish people. But I cannot for one moment admit the soundness of the noble Duke's objection to continental education for the priests. The freedom of opinion that at present prevails upon the Continent upon religious subjects is, I think, the very thing that should render it desirable that the Roman Catholic priests should be educated there. Nor can I think it at all consistent with the duty of a British Government to lend itself to maintain the immutability of the Church of Rome, or to shut out from the Irish Roman Catholics the same freedom of religious opinion as is enjoyed in other countries. It certainly does surprise me that the noble Duke, who must be aware of the variety of opinions prevailing in this Protestant land, and of the value that Englishmen in general attach to the right of private judgment, should have argued, as he did, for the maintenance of the College of Maynooth. My noble Friend the late Secretary for Ireland took upon himself to deny that sufficient grounds had been laid for the Committee. Truly, I cannot conceive what stronger grounds could have been made for any Motion than those which were urged by my noble Friend. He adverted to the discipline of the College; he stated most explicitly the nature and character of the class books of in-

struction; and he showed you what had been the effect of that instruction upon the Maynooth students; and all that he stated he was prepared to prove by the most competent witnesses. What stronger case could have been made? I should have thought none; but the noble Lord (Lord St. Germans) showed that the case could be yet stronger, and unconsciously he made it so. My noble Friend, in order to show how little of real gratitude was felt by the Roman Catholic priests for this proposed endowment of Maynooth, quoted, among other things, the letter of Dr. Higgins (the titular Bishop of Ardagh), and the noble Earl thought he had a great triumph over my noble Friend, when he stated that this Dr. Higgins was not a pupil of Maynooth College. Why, my noble Friend never said he was; but the noble Earl was probably not aware that this Dr. Higgins, though not a pupil, had been a professor and teacher at the College; and the fact that he had from thence been promoted to a bishopric in the Roman Catholic Church, shows, I think, the kind of professor that the ecclesiastical authorities deem most deserving of favour and reward. I do not think my noble Friend could have had his Motion more ably seconded, than by the speech which the noble Earl has made for the purpose of opposing it. In the course of this debate, much has been said respecting the obligation of oaths. My Lords, I as a Member of this House cannot forget that I am bound by certain oaths; that in common with most of your Lordships I have declared, "that no Foreign Prince, person, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. So help me God." Now, my Lords, it does appear to me, that the obligation of this oath would be violated, were I to give my assent to any measure founded as this is, upon the principle of upholding the Roman Catholic religion; and by a necessary consequence, the authority of the Pope as head of that Church, within this kingdom. And this opinion is certainly not weakened by the fact, that when I upon a late occasion expressed it in this House, and challenged correction if I was considered in error, no noble Lord was prepared to give a satisfactory solution of the difficulty. I repeat it, no noble Lord did afford—I apprehend that no noble Lord was capable of affording—an explanation of the oath different from what I had given. I regretted the circumstance the more, as although interesting to myself, the sought-for explanation would have been of the greatest importance to a large proportion of the public—under present circumstances not a little excited upon the subject. The question, in fact, being whether the oaths taken by Members of Parliament, involve any obligation beyond that of allegiance to the Sovereign; and if so, what further obligations are implied. They have, by myself and others, been heretofore commonly viewed as likewise binding the Legislature to certain principles in legislation, on matters appertaining to religion, favourable to the Protestant Establishment, and opposed alike to Roman Catholic doctrine, and to any recognition of papal authority within this realm. And, no doubt could have arisen upon the subject, but for the opposite line of policy that has of late years been pursued, and which, particularly in the discussions upon this Bill, has found so many advocates within the walls of Parliament. I do not advert to this question, my Lords, with any desire of preventing your giving a fair consideration to this Bill. But, impressed as I am—and I am sure your Lordships are all equally so—with the paramount duty of a strict and faithful adherence to every sworn obligation, and being of opinion that the question of the obligation of the Oath of Supremacy is necessarily raised by the nature of the measure under consideration, I have felt it right again to draw your Lordships' attention to the subject; and I anxiously pray that this House, to which the country looks up with so much confidence, as the most faithful guardian of the principles of the British Constitution, and as a sure defence against any encroachment, by hasty legislation or otherwise, upon the civil and religious liberty which that Constitution at present secures to all classes of Her Majesty's subjects, will not allow this Bill to pass without its having been clearly shown that it is strictly in accordance both with the principles of the Constitution, and with the obligations of Members of Parliament respecting it. One mode of interpreting the oath has, indeed, been privately suggested to me, and I believe it is that which is in general adopted by those who deny its more stringent operation; it is

that the oath only implies on the part of the person taking it a repudiation of any personal subjection to papal authority. To this view of it, my Lords, I can by no means subscribe. Clearer and less equivocal language might and would have been chosen for the purpose, had it been intended thus to limit its application. But looking at the history of the oath, the circumstances under which it was originally framed, and at the express object for which it was enacted, as set forth in the 1st Eliz. c. 1, viz., for the better observation and maintenance of that Act; *i. e.* of a certain policy expressed in a series of enactments, excluding the Pope from every exercise of ecclesiastical or spiritual authority within the realm, and transferring all such authority to the Crown; and coupling these with the plain grammatical and most obvious import and meaning of the form of words in which the oath, as since amended, is now required to be taken by Members of Parliament—it certainly does appear to me, that it is incapable of being restricted to the mere personal feelings and acknowledgments of the person taking it; that as a qualification for office, or for a seat in Parliament, it could never have been intended to be so utterly inoperative and nugatory, and that if of any force or obligation whatever, it must have a bearing upon such a question as that now submitted to Parliament, which is practically whether Parliament will bind this country by a perpetual Statute to maintain out of the public funds a College for the education of Roman Catholic priests, and in direct connexion with the Church of Rome, and in absolute subjection to papal authority; thus depriving the Sovereign of her rightful supremacy and due power of control over an ecclesiastical Establishment within this realm. The noble Duke and others who have advocated this measure, have referred to the Act of 1795 as confirming the principle of it; and great reliance has been placed upon the fact that Maynooth College has been supported through half a century by successive Parliaments and the most distinguished statesmen that have adorned the page of history; and that in this number are to be classed the name of Pitt, as the Minister under whom it originated, and that of Perceval, by whom it was subsequently continued. I cannot, my Lords, admit that any weight of human authority can justify an act incapable of being vindicated upon its own merits. If the original institution of Maynooth was a violation of principle, as the measure before you most certainly is, it was not the less so because Pitt recommended it, nor because Mr. Perceval afterwards acquiesced in it; but the truth is, that although the original Act of instituting that College has proved in its effects upon Ireland to have been most impolitic, in principle it bears no analogy to the measure you are now called upon to sanction. From the provisions of the Act of 1795, it would appear not that it was a College intended, as represented by the noble Lord (St. Germans), for the instruction of the Roman Catholic priesthood, but that it was little more than an Act of Toleration, enabling Roman Catholics to endow, at their own expense, an institution for the education of persons of their own communion. It was deemed at the time of importance, that such persons should not be obliged, as before, to resort to French and other continental seminaries, where infidelity and Jacobinism had poisoned all the streams of education; and as the Roman Catholics of Ireland readily lent themselves to what appeared to be for the general interest, it was an act of grace, not ill merited, that the Irish Parliament, in the year '95, and the three following years, made grants for completing the buildings. These grants ceased in 1799; but in 1800, the last Appropriation Act of the Irish Parliament, having included a sum towards defraying the charges of the Establishment for one year, this by the Seventh (the financial) Article of the Act of Union, became necessarily an annual charge upon the United Kingdom for the next twenty years. If the Executive has failed of looking to the proper application of this annual grant, or of exercising a proper control over the College, and if in consequence of such neglect the institution has become as objectionable as all agree, though from various causes, in representing it to be; yet the power of State control still existed, and Parliament might and ought, since the year 1820, to have insisted upon the College being placed under proper regulation, or to have abolished the institution altogether. But it cannot be said with truth, that those who acquiesced in the support of an institution wholly under the power of the State control, laid down any precedent for an Act

by which such control is wholly surrendered into the hands of Roman Catholic ecclesiastics. It is also stated in justification of this Bill by the noble Earl behind me (Lord Hardwicke), that it is a necessary consequence of another Act already upon the Statute Book, I mean the Charitable Bequests Act of last Session, by which the titles, orders, and pastoral functions of the Roman Catholic clergy in Ireland have been legally recognised, and a corporate character conferred upon them, for holding in perpetual succession the endowments bequeathed to them. I do not, my Lords, feel myself called on to undertake the defence of that Act, which has undoubtedly laid the foundation of an ecclesiastical establishment in Ireland, not of a mission, as stated by the noble Duke, but of a Church, subject to no other authority than that of the Pope; and so fully impressed am I with the belief that it belies what is affirmed in the Oath of Supremacy, viz., that no Foreign State or Prelate hath jurisdiction ecclesiastical within this realm, that, feeling the impossibility under these circumstances of taking the oath, I was lately compelled to forego the privilege and pleasure of voting for my noble Friend, the last elected Representative of the Irish Peerage. It is for those to vindicate the Bequests Act who brought it in, and would now found upon it a still more flagrant violation of principle. I was not in the House last Session to take any part in the debates upon the Bill; otherwise—although as a relaxation of the Statute of Mortmain, it contained many excellent and salutary enactments—I should have felt it my duty to have voted against it, on account of the principle involved in it. The Act, nevertheless, so far differs from the present measure, that by many it might be viewed—and by Parliament I believe it has been viewed—only as an Act of more extended toleration; whereas the present Bill is one of direct favour and encouragement to the propagation of Roman Catholic doctrines. It may be perfectly true, in the restricted sense of the oath, to deny any personal subjection to papal authority; but further to declare, on oath, that no such authority ought to exist within the realm, surely implies, if words can do so, an obligation to resist the enactment of any laws calculated to uphold or extend such authority. No noble Lord will, I am sure, deny that the object of this Bill is to give encouragement to the spread of the Roman Catholic religion in Ireland, and that the increased number of young men for whose education at Maynooth this Bill provides, are to be trained in absolute subjection to the discipline of the Church of Rome; and that the object of their education is, that they should afterwards go forth as the authorized teachers of the population to disseminate through the length and breadth of the land, those principles in which they themselves have been educated; and, among others, the doctrine of the Pope's rightful supremacy over Her Majesty's realm. [The Earl of *Mornington:* No, no.] Yes, I say, that such is the Ultramontane doctrine, as taught at present at Maynooth College; and if the House does not grant the Committee of Inquiry asked for by my noble Friend (the Earl of Roden), the course of education must remain the same as now. No one surely will stand up and say that it is consistent to vote for such a measure, and yet to call God to witness your solemn declaration that this ought not to be. The expediency of the measure—if indeed any sound principle of expediency can be urged in favour of it, cannot in my opinion outweigh the religious obligation that opposes it. Let the oaths, or at least the Oath of Supremacy, be repealed, and a new Parliament summoned to carry out, if the nation be so disposed, the recently announced policy of Her Majesty's Government; but let Parliament be henceforth unembarrassed by tests and obligations of no practical value, originally designed to maintain a policy which has long ceased to be the policy of the country; and affirmative of a principle of Protestant ascendancy which every Act for the last fifteen years has belied, and which Her Majesty's Secretary of State for the Home Department has upon a late occasion, and in reference to this Bill, declared must be henceforth wholly at an end. While oaths continue to be taken as at present, they will be considered by many as involving corresponding obligations, the disregard of any of which (though perhaps but apparent and capable of explanation), will not fail to impair the confidence and respect with which it is so desirable that every Act of the Legislature should be viewed. Entertaining the opinions I have expressed of my obligation as a Member of Parliament, and not unmindful of what is due to my Roman

Catholic countrymen, I shall give my cordial support to the Amendment of my noble Friend. No objection has been or can be urged against it, nor any justification put forward for your Lordships' entering further upon such a course of policy as this Bill unfolds, without the most careful inquiry into its nature and tendency. Nor is it right that you should any longer uphold the institution of Maynooth College, unless you are well satisfied that it is for the interests of the Irish people, and at the same time agreeable to the principles of the British Constitution. The principle involved in the Bill as now submitted is twofold. First, to uphold and encourage the teaching of doctrines which condemned as heretical and damnable the religion of the State—that religion which, by law, the Sovereign of this realm must profess; and, secondly, to sanction the surrender into the hands of Roman Catholic ecclesiastics, of one of the highest, if not the most important, of the functions of the State—namely, the superintendence and control of public instruction. To neither of these principles can I ever give my assent; and I trust, that neither of them is essential or even consistent with a law for the better education of any class of Her Majesty's subjects. I am quite sure that neither of them can tend to promote the social welfare of Ireland. I concur with the advocates of the Bill, that to continue Maynooth College in its present state is a course not to be defended; but the insufficiency of its funds, although an evil, is the least of those that attach to the institution. The institution in its present state is chiefly objectionable from the nature of the education given within its walls, the evil of which is apparent in the dispositions of those who have been trained there, as the tree is known by its fruits. It is unnecessary that I should enter particularly into a consideration of the charges that have been brought against the institution. The statements which have been made in the course of this debate are quite sufficient to show the importance of the Committee moved for by my noble Friend. The fact so much relied on, that an inquiry was made several years ago, and a body of evidence collected, is to be considered in connexion with another fact, namely, that the evidence reported led to no proposal for enlarging or otherwise dealing with the College of Maynooth. And this shows either of two things, either that the inquiry did not go far enough, or that nothing was elicited to warrant the friends of the institution in claiming for it any additional support. The Government of the day may have lacked the boldness or inclination to act upon the evidence, but no argument can thence be drawn for increased endowment, still less for placing the institution beyond the reach of Parliamentary control. If the evidence was sufficient to warrant the introduction of the present Bill, why has it not been reprinted, and placed in the hands of Members, so that they may acquaint themselves with all the circumstances of the institution? The fact I believe to be, that, so far from justifying such a measure as the present, the evidence appealed to, but not produced, but which might be with great advantage considered before a Committee, would probably confirm an opinion very generally entertained, that the institution should be either altogether abolished, or so remodelled as to harmonize with the fundamental institutions of the country. In the absence of other evidence, I beg to read to your Lordships the opinion of a most competent witness respecting Maynooth College; it is to be found in a Paper upon Irish policy addressed by the late Lord Chancellor Redesdale to the Duke of Portland's Cabinet in 1807:—

"The Chancellor and chief Judges are, with some Roman Catholic clergy and noblemen, nominally visitors; but their visitatorial power, by the terms of the Statute under which they act, is a mere farce. They are bound, once in every three years, to exhibit themselves as a spectacle at Maynooth, in a state of ridiculous nullity. They can do nothing but view a set of young men, trained up in a system of obedience more degrading, perhaps, than was ever practised in a College of Jesuits in South America; and it is impossible to avoid remarking in the countenances of those young men the degradation in which they are kept, and the stern enthusiasm for the Catholic cause planted in their minds. Not one of those young men dare lift up a complaint to the visitors, whatever injuries they may suffer, however improperly they may be treated. They are generally the sons of the lowest description of peasants; they have no friend, no protector; and are compelled to submit to the most absolute despotism. No College of Jesuits was ever half so dangerous to any Catholic kingdom, or so completely in the power of their masters. Their education is said to be very imperfect; much worse than in the foreign colleges: and the friends of some youths hav-

ing taken them from the College to give them a better education abroad, the resentment of the College, and of the Catholic hierarchy in Ireland, has been severely felt. What may be the consequences of this institution to the peace of Ireland, it is difficult to foretell in their full extent. It is easy to perceive that it must ever be the greatest obstacle to the extension of the Protestant religion, and to the quiet settlement of the country."

The question, my Lords, before the House should not be considered as one of pounds, shillings, and pence; the greater or the less amount of your annual grant makes no essential difference in the principle of your support of Maynooth College; for a good institution funds would not be wanting. They would, I am sure, be voted with cheerfulness and unanimity; for if I have derived any satisfaction from the debates that have taken place upon this Bill, it has arisen from my conviction that Parliament, although not well advised in the matter, is actuated by an anxious interest for the welfare of Ireland, and with a kind sympathy for the Irish people. The thing is, to ascertain whether the institution is really calculated for their benefit. Connected as I am with Ireland, not alone by birth, property, and residence, but yet more by the ties of the most friendly intercourse with all classes of its inhabitants, I may say from my own knowledge of them, that my countrymen are not undeserving of your best sympathies. If Ireland has presented, and still presents, difficulties in the eyes of Ministers; if your Lordships have heard of outrages, bloodshed, and agrarian disturbance—these, my Lords, are to be looked upon as the effects of misgovernment; of misgovernment the less excusable, because upon the face of the earth there does not exist a people who more eminently possess the qualities that are congenial to good government. None more than they combine love of country with devoted loyalty to their Sovereign; none are more disposed to yield respect where respect is due, or are more alive to the principles of justice, uprightness, and consistency; but on the other hand, none have a keener sense of injustice or oppression—a more ready discernment of a weak and timeserving policy, or more profound contempt for inconsistency and tergiversation, whether political or religious. Such a people, I contend, are the easiest in the world to be governed; for it is only necessary to hold in view with them, as suggested by the right rev. Prelate, (the Bishop of London) the principles of strict rectitude. Too long, my Lords, has it been the practice of successive Governments to overlook the interests of Ireland, while courting the support of the Roman Catholic priests by weak and unavailing concessions, injurious to the institutions of the country. This is said to be the beginning of a new policy. My Lords, it is no such thing; the first and most fatal step was the concessions made upon national education; the removal, in deference to the wishes of the Roman Catholic clergy, of the best and surest foundation of religious liberty, the most necessary ingredient of Christian education —I mean the instruction of youth in the Holy Scriptures, which was the recognised basis of the national system of education up to the year 1831, and which, but for the intolerance of the Roman Catholic priests, and the sanction which their opposition received at the hands of the English Government of that day—and still more since, I regret to say, from Her Majesty's present Ministers — would have been ere this in full and beneficial operation; and productive—as in every place it has been found to be—where it has met with due countenance and support, of social happiness, civilization, and general improvement. The next step in the course of conciliation was the undue favour shown to Roman Catholic priests in the scale of remuneration allowed to them as chaplains of workhouses, over Protestant clergymen—a step important, however, only from the principle it affirmed; that numbers, not truth, should, henceforth give a preference to one form of religion over another. I have already adverted to the Bequests Act of last Session; and have only, therefore, to wish Her Majesty's Ministers joy of the degree of grateful acknowledgment it has elicited from the Roman Catholic hierarchy and clergy for whom it was intended as a boon; and now you are called upon to pass an Act for the perpetual endowment of Maynooth College, constituting for ever the Church of Rome the uncontrolled instructor of those whom you have recognised as the spiritual guides and pastors of 6,000,000 of Her Majesty's subjects. But not even thus will the British Government purchase any lasting support from the Roman Catholic clergy; the priests of Rome will be, as they always have been, faithful to

their Lord the Pope; and it is no more than due to them to say, that vain will be the endeavour to bribe them to become the friends of any Government not in avowed as well as practical subjection to the See of Rome. The obligations accepted by a Roman Catholic bishop at his consecration might be a warning to the Government of this fact; while the persecuting spirit of the head of that Church, against all who dare to separate from it, must justify the strongest opposition to this, or to any other measure of the like tendency, by the Protestants of the Empire. What has been stated of the occurrences at Achill and Dingle, particularly the impotency of the Government to afford to the converts at the latter place that protection from persecution which they prayed at the hands of the Lord Lieutenant, should, I think, make your Lordships pause before you assent to a measure calculated so much to strengthen the hands of a Church so intolerant—so beyond the power of the Government to control. You are desirous to ameliorate the state of Ireland, to improve the social condition of the people, and to act towards them in the spirit of the utmost liberality: once more let me entreat your Lordships to examine well whether the measure before you is really a boon to Ireland — whether it is not rather a surrender to Rome. Many circumstances might account for the intense anxiety of Her Majesty's Ministers to press this Bill through Parliament, which might be the very things to render it important that your Lordships should not hastily assent to it. I quite admit that the present great prosperity of the Empire, which is so much owing to the ability, vigour, and foresight of the Government, is a strong claim upon your confidence; and most desirous am I, whenever it is possible, to find myself among their supporters; but no such ability or foresight can be said to have characterized their administration of affairs in Ireland; neither does the past afford any such grounds of confidence in their wisdom and consistency in dealing with what may be called "Catholic questions," as to justify a blind acquiescence in their measures, or any hope, founded upon their mere assurance, that good can result from the policy they now recommend. It behoves you, my Lords, not only to examine carefully into its nature and tendency, but also to consider well the circumstances under which this Bill is introduced. An avowal of weakness had been made by Sir R. Peel; before his acceptance of office he had foretold that Ireland would be his difficulty. Such was his prophecy; and the declaration tended, along with other things, to produce its own fulfilment. Nevertheless, when he came into office, he found the state of Ireland comparatively tranquil, and its condition improving. The noble Marquess opposite appears to think that I am paying a compliment to his Government. He is mistaken; I attribute the favourable state of things at that time to the fact that all parties in Ireland had been for some time looking forward to the accession to office of Her Majesty's present Ministers, with those feelings of confidence which their conduct, while in Opposition, so well justified. Soon, however, confidence began to be shaken; the Conservatives began to doubt the sincerity of Ministers; and the weakness and incapacity of the Home Office did not escape the notice of the quicksighted leader of the Repeal movement. Presently commenced the systematic agitation for the Repeal of the Union; and for several months, while the Government—notwithstanding repeated warnings and remonstrances—looked on in apparent unconcern, or rather in a state of mute astonishment, the lives and properties of the well disposed were periled by a succession of monster meetings of tens of thousands in a state of unexampled excitement, ready to act at the bidding of one man, and only by that one man restrained from acts of violence and open rebellion. I should, however, remark, that the noble Duke, as Commander in Chief, well performed his duty; for he took the necessary steps to preserve a military occupation of the country. At last, the Government was aroused—the meeting that was to have taken place at Clontarf was put a stop to by Proclamation—and it is but justice to the Repeal leaders to say, that they did all in their power to secure obedience to the Proclamation, and to prevent the bloodshed that must otherwise have ensued. It then became apparent that one timely act of vigour might have prevented these meetings from taking place at all; for all were of the same character, alike objectionable. The mischief, however, had been done; the people had been organized—their discipline in respect

of obedience to leaders was perfect—they knew themselves to be individually brave—they had been taught to believe themselves collectively irresistible, and to despise the Government of the country. Then followed that State prosecution, with the results of which your Lordships are well acquainted. I give the Government full credit for their motives in having instituted it; they were anxious to vindicate and uphold the common law of the country. I regret that the reverse was the effect of it; in its result it has been injurious to the common law, and done much to impair respect for the Judges in Ireland, the Judges in England, and for the law authorities in this House.

The Duke of *Wellington:* My Lords, I rise to order. We have now been debating two nights on the question before the House, which is a Bill for the establishment of a College at Maynooth; and I do not know that the monster meetings, or the conduct of the Government in respect to those monster meetings, or the prosecutions, have any relation to the Motion before the House. I must submit to the noble Earl that he should attend a little to the question which is under the consideration of the House. The conduct of the Government on the monster meetings, and on the prosecution, or any subject of that description, is a very proper subject for discussion, but not on the question of the establishment of Maynooth.

The Earl of *Clancarty:* My Lords, I do not consider that I was at all out of order, or wandering from the question before the House, when the noble Duke rose to interrupt me. I think it is important that the House should not only understand the nature and tendency of the Bill, but likewise the circumstances under which it was introduced; therefore, however disposed in general to bow to the opinion of the noble Duke, I shall proceed with the statement of those circumstances. I had, in fact, nearly arrived at the conclusion, when the noble Duke interfered. It is now authoritatively declared that the law is no longer capable of putting down the agitation of the country. It is true that the law is for that purpose inoperative, and this is the occasion for announcing the policy of conciliation; but while the law is thus impotent, no one can fail to have been struck with the ready obedience yielded by the Roman Catholic clergy to a papal rescript communicated to them throughthe Roman Catholic Primate of Ireland. From that moment, both prelates and clergy ceased to take, openly, that lead in the Repeal agitation in which they had been before so conspicuous; then it was that this measure for the permanent and unconditional endowment of Maynooth was submitted to the heads of the Roman Catholic Church; and we are authoritatively informed, that ere it had been announced to Parliament, they had been consulted with, and had approved of it. My Lords, I cannot help remarking that the circumstances and coincidences of the case would almost force upon me the conviction that the Act your Lordships are now called upon to ratify, is the actual reward of service — the earnest of future gratitude for similar assistance. It is, my Lords, the personal character alone of the individuals connected with the Government that forbids the belief that papal authority has been subsidized to aid in the Government of Ireland. A strong feeling of this kind, I believe, prevails out of doors. Protestants of Ireland begin to doubt the capability of the English Government to afford protection, or to maintain in that country the principles of the British Constitution. It is impossible not to be struck with the very altered views of Her Majesty's Ministers since 1840. Then we were told by Sir Robert Peel that the system of instruction at Maynooth was a legitimate subject of consideration for Parliament, and that it would be an abandonment of duty to allow doctrines to be inculcated which might be injurious to the supremacy of the law, or destructive to the established Government. Now Parliament is required not merely to surrender all such power of control, but to make an increased and perpetual grant without any inquiry whatever. My Lords, I will not dwell upon these inconsistencies, which have so shaken all confidence in public men; but I cannot forbear from contrasting the facility with which the Government abandoned a Bill two years ago for providing a religious education in the principles of the Established Church for the thousands of poor unprovided factory children, in consequence of a few petitions from dissenting bodies, with the determination they now show, notwithstanding that ten times the number of petitions have been presented against it, to carry a measure for the propagation of the Roman

Catholic religion. The interests of the Established Church, or the poor, are thrown away with little or no hesitation—those of the Church of Rome must be supported at all hazards. I trust, however, that your Lordships will not be so insensible to the Protestant feelings of the nation. Objection has been made to the language of some of these petitioners—the language, my Lords, is, no doubt, strong, but it is not stronger than the case warranted, nor than the language of the Constitution. Your Lordships' own declarations in Parliament have been couched in language quite as strong. Having presented many of these petitions, I must say that those who signed them had good warrant for believing that their prayer would be favourably heard. In addressing your Lordships, they knew that you had witnessed the solemn declaration made by Her Majesty at her Coronation—they had therefore good reason to hope that you would readily abstain from advising her to put her hand to an Act for the encouragement of a form of worship, of which she had testified her belief openly before God and man, that it was superstitious and idolatrous. And the fact, that a great majority of your Lordships—all who held seats in Parliament up to the year 1829—have made and subscribed, and, of course, in so doing, have sincerely assented to the declaration prescribed by the 30th Charles II., s. 2., than which no language can be more strongly condemnatory of Roman Catholic doctrine, might well have justified their belief, that acting upon your own opinions so solemnly expressed, you would have concurred with them in opposing the measure. I must add another strong ground of confidence that your petitioners must have had in approaching your Lordships' House. They knew that this measure would be debated in the presence of that right rev. Bench, whose peculiar obligations have been already more than once referred to. It is with the most profound respect that I now address myself to them. My Lords, the country looks with confidence to your decision upon this measure as Bishops. You sit in this House as Bishops. You have accepted the solemn obligation of opposing yourselves to the dissemination of doctrines contrary toGod's Word. Do you believe that the Roman Catholic doctrines taught at Maynooth College are in accordance with God's Word? If you do, you will give a consistent support to this Bill; if, on the contrary, you believe that those doctrines are contrary to God's Word, it is impossible to doubt that you will give the Bill your decided opposition. Let it not, my Lords, be supposed that I would convey to the House an opinion that legislation should be stopped by petitions—far from it—but I do certainly think that where the public mind is so strongly declared as it has been with respect to this Bill, that it is due to the petitioners carefully to examine into the grounds of their opposition; to act otherwise is to outrage public opinion, and practically to annul the privilege of petition. Measures are undoubtedly necessary for Ireland, and none more desirable than those which may tend to improve the social condition of the people; but of all imaginable measures for such a purpose, to have entered into the minds of Englishmen, who once rejoiced in their emancipation from the Romish yoke, this scheme of fastening and perpetuating upon Ireland the infliction of Maynooth College — this policy of strengthening the papal authority over the Irish population, is the very last that could have been expected from a British Parliament, an English Government, or a Protestant Sovereign.

The Duke of *Cleveland* was anxious to vindicate his consistency in the course which he was about to pursue in respect of the Bill now before the House; for if value were attached to the consistency of the public conduct of a Minister in office, or a Statesman who aspired to an official station, it was in a minor degree important to every Member of the Legislature, however humble might be his position. He regretted that in this instance he differed from several of those with whom he generally concurred in political questions; but he trusted to be able to prove to them that in supporting this Bill, which he felt it his duty to do, he was only acting in strict conformity with the policy which he had always pursued and had steadily recommended with respect to Ireland, from his first entrance into public life. The debate for the last two nights had assumed the character of a theological discussion; but as the noble Duke, in introducing the measure, had stated that he considered the question before them, not a religious, but solely a political one, so it was in the latter point of view that he wished to consider it in the few observa-

tions which he was about to make. In the first place he would observe, that he had supported from first to last the relief measure of 1829. Indeed, from the year 1812 up to the year in which the Catholic Relief Bill was brought forward—a period of seventeen years—he was in the constant habit of acting in conjunction with the Whig party of the day. He supported them upon every question which they brought forward, except that of Parliamentary Reform. When the Reform Bill was passed he quitted the party. During the whole of this period the grant to Maynooth had been continued without interruption—in fact, so far as he was aware, it had been continued up to the year 1830, nearly without opposition. From that year to the year 1842, when he left the House of Commons, it certainly was opposed on more occasions than one; but when it was so opposed he had always heartily supported it. Having carefully examined the measure now brought forward by Her Majesty's Government, he could not, he confessed, see that it did in itself recognise any new principle on which they had not acted before. There was certainly this difference, that it rendered that permanent which was before but an annual grant. But could they suppose that, should it be continued as an annual grant, instead of being made perpetual, it was probable that they could ever withdraw it? He should be acting most inconsistently, if he were to withdraw his support from the grant now, merely because it was brought before them in the shape of an increased grant. He looked upon this Bill merely as a Bill by itself, and wished to consider it as such without reference to any other measure whatsoever. Some might think that, as a measure, it was dangerous, because it had a tendency to lead to other and further measures. What might be the intentions of Her Majesty's Government in this respect, of course, he knew not, and could not, therefore, say. But he could not help remarking that if it were put forward merely as a measure for ascertaining the state of public feeling, and, having ascertained that, that the Government might be able to learn whether it would be wise or prudent to introduce measures of a stronger and very different character, as encouragement for the Government so to proceed—judging from the nature and the number of the petitions laid upon their Lordships' Table, this measure had proved a complete failure. The complaint was made that public feeling had, in this instance been disregarded; and he believed that the disregard of public feeling might be pushed to an extent to which no wise and prudent Minister would desire to push it. A noble Earl who had spoken last night (the Earl of Hardwicke) had expressed himself in favour of endowing the Roman Catholic priesthood. He hoped he should never live to see the adoption of such a course by the Legislature. If an Act should ever be brought in for endowing that priesthood, the only source from which the means of so doing could be drawn would be that from which this increased grant to Maynooth was sought to be taken, namely, the Consolidated Fund. The noble Earl intimated that the funds for such endowment should be taken from the Protestant and Established Church in Ireland. The noble Earl had forgotten that it was on that very point that Mr. Stanley and Sir James Graham had formerly quitted office, and that Sir Robert Peel left office in 1835. He did not mean to say that the noble Earl, who was a Lord of the Bedchamber, was an authority as to the opinions of the Government; but they all knew that when a Member of the Legislature accepted office in the Household, he lost his Parliamentary independence. He considered this measure in itself, treated it on its own merits, and looked upon it as brought before them without any reference to what might follow, and he could see nothing in it to which he did not most cordially assent. He did not entertain those apprehensions of danger as resulting from this measure which were shared in by many of his noble Friends, and would therefore, as he had already stated, give it his support. He had always contended for a liberal course of policy towards Ireland. Every just and real grievance of which the Irish had to complain should be redressed, and that, too, without making any difference or creating any exceptions arising from religious opinions. He also thought that toleration should, as regarded Ireland, be carried to the greatest extent to which it could be carried with safety, and likewise that conciliation should be effected, if it could be effected within any just and reasonable limits. The conduct of Her Majesty's Government had been most praiseworthy in endeavouring

to do that, by acts of favour and grace, which could only otherwise be effected by main force, and which main force must, as they all knew, be resorted to, if all other means should fail. If they could obtain and secure the peace, the repose, and the happiness of Ireland, by conciliation, at so small a cost as that which was proposed under the present Bill, he thought that it was, at all events, well worth their while to make the experiment.

The Earl of *Hardwicke* rose to explain, and he would endeavour to repeat what he had said, and he thought the repetition would answer as his explanation. He had last night asked the question, whether there were in Ireland 151 Protestant livings that had no congregations whatever attached to them? He had said that if such existed, it was a monstrous state of things. He had then gone on to say, in speaking of the prospects which many of their Lordships considered must exist, of seeing the Roman Catholic Church endowed at some future day in Ireland, that he did not at the same time know from what source such endowment was to come. It was after he had so said, that he asked the question with regard to the livings. What was then in his mind was this, and he thought he had so expressed himself, that, if there were such a monstrous state of things existing as having Protestant churches without a single soul to go into them, with a large Roman Catholic community in their immediate neighbourhood, it was to the Catholic religion they should be applied, which they might be, in his opinion, with great propriety, and with great security to the Protestant Church. With regard to the other observations which his noble Friend who had just sat down thought fit to make, he would only add that the opinion he had just expressed was his own, and that he was entirely and solely responsible for them.

Earl *Spencer* spoke as follows: My Lords, I hope your Lordships will permit me to address you, for a short time, upon this important subject; and, in the hope that this protracted debate will conclude to-night, I promise that my remarks will be brief, and as pertinent to the subject as I can make them. It is not because I indulge the expectation that anything that I can say will throw any new light upon the subject; it is not because I think that I can adduce any new arguments in reference to this question, that I rise at the present moment; but it is because I think it but fair to Her Majesty's Government, and fair also to those with whom I have acted all my life, and with whom I hope and trust I ever shall act to its close, that the burst of unpopularity and clamour with which this measure has been assailed should be shared by every one whose name has ever been before the public, if he now agrees with Her Majesty's Government. That being my view of the matter, I do feel a desire that my opinion should be publicly expressed, though I need not tell your Lordships that I am very unwilling to trouble you. With respect to the speech of the noble Duke who has just taken his seat, I certainly can testify that in his vote on this occasion there will be nothing inconsistent with the votes which he constantly gave when in the other House of Parliament. I recollect very well that my noble Friend and myself always voted together on the question of Catholic Emancipation; and although I was extremely sorry to find that he afterwards differed from me on other measures, I can testify that there will be nothing inconsistent with the course then taken by my noble Friend, in the vote which he has announced it as his intention to give on the present occasion. With respect to the attack made by the noble Duke upon the noble Earl opposite (the Earl of Hardwicke), I think, trusting to my own recollection, that the noble Earl announced more strongly last night than he has done this evening, that the opinions which he then delivered were his own opinions, that he had no communication with any parties respecting them, and that he gave them as his opinions, for which he was solely responsible. I did not feel any peculiar satisfaction because those opinions were expressed by a noble Earl holding a place in the Household; but I did feel a satisfaction at hearing them, proceed from a noble Lord whose opinions are entitled to much weight for the honest consistency of his conduct. I certainly do look upon this measure, not as an isolated measure, but as one leading to further measures, to the effects of which further measures I look for the benefit of Ireland; nor could I attach much importance to this measure if it stood alone. After what the noble Earl (the Earl of Roden) has said in the course of this debate, I feel it is due to myself to say—and I hope your

Lordships will permit me to speak so far of myself—that no man is more sincerely attached to the Protestant Church of this country than I am. It is my opinion that as it is one of the great duties of a State to look to the temporal prosperity, the happiness, the welfare, and the comfort of the people; so it is, in a still higher sense, the duty of the State to provide for the religious instruction of the people; and therefore, my Lords, I am a friend to a Church Establishment in this country. I am that after due and full consideration. During the first night of this debate, I was surprised to hear right rev. Prelates speak of the Roman Catholic Church as being so peculiarly antagonist to the Protestant Church. My right rev. Friend who first made that statement (the Bishop of London) gave no reason in support of it. The right rev. Prelate who came from Ireland (the Bishop of Cashel) did give a reason for the statement, for he was one of those who made it. That reason certainly appeared to me to be a most extraordinary one. The right rev. Prelate said that the Roman Catholic Church was the most antagonistic Church to the Protestant Church of England, because the Church of England had come out of the Church of Rome. I do not see why it is, that because the one Church came out of the other, therefore the one is to be supposed to be the most antagonistic Church existing in reference to the other. I was the more surprised to hear this statement, from knowing that many of the Protestant clergy of this country—ay, and many of the Protestant laity too, and I believe as to the clergy I may say the majority of them—believe that there is some mysterious sanctity in their ordination, because it has descended through a succession of Roman Catholic bishops—bishops who flourished, be it remembered, during the most corrupted epochs of the Church of Rome. I also happen to know that ordination by a Roman Catholic bishop is regarded as good for orders in the Protestant Church of England; if a clergyman has been ordained by a Roman Catholic bishop, and then renounces his faith and declares his conformity to the Church of England, no further examination is deemed necessary as to what may be his opinions on religion, or as to what may be his learning or competency—his ordination is deemed sufficient, and he is freely admitted into the bosom of the Protestant Church. Under these circumstances, it does seem to me very extraordinary that any of the heads of the Church of England should call that Church, the validity of whose ordination they thus admit, the most antagonist Church to their own Church. I certainly do feel very strong objections indeed to many Roman Catholic doctrines. My opinion as to what is the proper, the true, and the Christian religion is that no doctrine is essential which is not contained in the Holy Scriptures, or fairly deducible therefrom. As that is not the principle of the Roman Catholic religion—as the Roman Catholics take other grounds of faith, I certainly am most decidedly opposed, in doctrine, to the Church of Rome; but I cannot but see that, whether or not I am opposed, in many points, in doctrine to the Roman Catholics, they are believers in the same Saviour that I am a believer in, that they teach the same morality, that they recommend the same piety, and that such is the effect produced upon the mind and deportment of a good and sincere Roman Catholic by what he is taught, that he is rendered as estimable a man in all the relations of life as is any Protestant in the land. Then, my Lords, as I have already said, I believe it to be the duty of the State to provide for the religious and moral instruction of its subjects. I perceive that a very large proportion of the subjects of this country are Roman Catholics. I see also, though I differ in many points from the Roman Catholic religion, that that system of faith does impart religious and moral instruction to the people, and therefore I cannot see how it is contrary to any religious feeling that the State should come forward and render assistance to that faith. Thus much, my Lords, I have thought it necessary to say, in order to show that I do not feel that my voting for this Bill is at all contrary to my religious principles. Looking at the question in a political point of view, I find that the objections urged against the measure are of two kinds. One objection is founded on passages taken from the scholastic writers upon the Roman Catholic religion, inculcating extreme and most violent doctrines—doctrines certainly inconsistent with social order or civil society, and which have been long since proscribed. Those doctrines were put forward by ambitious Pontiffs in barbarous times; but they have been given

up long since by Roman Catholics in every part of Europe. We find them now good subjects and obedient, whether to Protestant or Catholic monarchs. But it may be said, and it is constantly said, "The Roman Catholic religion is not changed, and if this was true doctrine of that Church once, it is so still." I would ask, do those noble Lords who use that argument really believe the assertion? Do they believe that the Roman Catholics have never changed? Undoubtedly, an appeal may be made to the Roman Catholic himself, and his answer will be that he has not changed; and therefore I admit that they have a fair *argumentum ad hominem* against the Roman Catholic. But of all arguments for the purpose of coming at truth, *argumenta ad hominem* are the worst. They may be very good for a debate, they may do very well to throw in the teeth of an adversary: but for the elucidation of truth they are the worst that can be resorted to. But I will ask those who use that as a reason against any concession to the Roman Catholics, whether they believe it? Undoubtedly, it may be true in words: and the Roman Catholics, so far as I am acquainted with their doctrine, have never changed, because they adhere to certain passages in the Scripture, and say that their religion is under the direct influence of the Holy Spirit. But, my Lords, look at the course of the Roman Catholic religion. In ancient times, undoubtedly, claims of a very violent kind were put forward; but for more than a century those claims have never been advanced. In this, as in everything else, the progress of religion and knowledge has entirely overcome the error that existed in that respect; and when noble Lords quote the old text writers upon the Roman Catholic religion, I cannot say that they make any very great impression upon my mind. There is another objection which would have more weight with me if I thought it well founded. Quotations have been made, and arguments used, to show that the dissatisfaction and discontent which prevail amongst the Roman Catholics in Ireland are derived from the College of Maynooth; and to prove this, the quotations to which I have referred, are brought forward. One noble Duke went through a great part of the calendars of the assizes to prove that a connexion existed between the doctrines taught to the students at Maynooth and the crimes which appear in the calendars. That is one of the reasons which are urged why a great proportion of the population should be left without education. My Lords, what is the treatment which the Roman Catholics of Ireland have received? You first endeavoured to extirpate them. You failed in that, and then you degraded them, by penal laws which were a disgrace to a civilized country. You disgraced them and made them bad subjects. You could not continue that—the country would not bear such a barbarous code; you relaxed the penal laws — but under what circumstances? You asked them to assist you in effecting the measure of the Union—you promised, or at least it was indirectly implied so as to be distinctly understood, an equality of civil rights — you carried the Act of Union by their assistance. My Lords, you have broken your promise. It is true, that after eight or nine-and-twenty years, the promise was fulfilled. But upon what ground? According to the avowal of the Government of the day it was not on the grounds of justice—not because we had no right, because men differed from us in religious opinions, to deprive them of their civil rights—but because it was impossible to resist. This being the case, my Lords, you need not look to text writers or to the theses of Maynooth, to account for the dissatisfaction of the Roman Catholics. My Lords, I hope this is not an isolated measure. I hope and trust that you are prepared to pursue a different policy towards Ireland; and if you do so, I trust you will not only confirm the Union with Ireland, but render that country, by a proper and steady system of conciliation and liberality, the strength, instead of the weakness, of the Empire. The noble Earl who moved the Amendment, stated that the Protestant Church in Ireland had not had fair play. I was surprised to hear that statement from the noble Earl; but I entirely agree with him, and think that Protestantism has not had fair play. You have placed the Roman Catholics in an inferior position—you have irritated and degraded them—they have a recollection of your severe penal code and persecution; and when you have done all this, you present them with Protestantism. If anything is more likely than another to prevent the adoption of a religious system, it is such a course as this. My Lords, I, as a Protestant, see that it would be hopeless

to attempt to convert the Roman Catholics of Ireland. I see a very large proportion of the population discontented and dissatisfied in consequence of religious distinctions, which must necessarily tend to create anarchy and confusion in Ireland. My Lords, Presbyterian Scotland was in a state of anarchy and confusion. You gave them a form of church government, and prosperity and tranquillity followed. My Lords, Catholic Ireland is in the same state of confusion; you must do something at least for the Roman Catholic religion, if you want to produce similar results. Taking this measure as a first step in that direction, I shall give it my cordial support.

The Bishop of *Norwich* rose, not for the purpose of making any apology for the support he was about to give to the important, and as he conceived beneficial measure before their Lordships' House, as he considered it quite unnecessary that any apology was required for opinions honestly and conscientiously entertained after the most matured deliberation he could devote to the subject; but he was at the same time anxious to express his reasons for voting cordially and sincerely in its favour, well knowing—and their Lordships could be little aware of the extent of the obloquy—the misrepresentations and misconstructions of motives to which those would be exposed, more especially if of his profession, who came forward in a spirit of toleration and kindness towards those who differed from them in religious faith. It was with great pain that he heard yesterday from a noble Earl (Winchilsea) some harsh expressions towards those who, as ecclesiastics, were about to vote in favour of this measure. The noble Earl insinuated something against the right rev. Bench as being faithless shepherds, as an abandonment of their posts, if they voted in favour of this Bill. This language was, however, weak compared with other language that had been uttered against them. He had lately received a pamphlet written, he was sorry to say, by a clergyman, addressed to the bishops who intended voting in favour of the grant, in which it was insinuated that they were not only dealing in falsehood, but that they were infidels and traitors to the cause of religion. Another rev. gentleman—for the sake of the Church of England he hoped he was not a minister of the Establishment—had gone still further; and before a very large audience proved, apparently to the satisfaction of his hearers, though he hoped not of their Lordships, that the right hon. Baronet who had introduced this measure into the other House was the very Antichrist that was revealed in the Scriptures. Could intolerance, absence of good feeling, or fanaticism, do more, or go further than this? He would yield to no man in attachment to the Protestant Church, and in opposition to the Romish Church. He was averse to Popery in whatever shape or form it appeared; he was more especially averse to that Popery which was creeping into his own Church. The fact was this—if they inquired and examined into the question, they would find that every religious denomination as it acquired power was anxious to claim for itself the maximum of toleration, and to yield to others who differed from them the minimum of the same. With respect to the petitions which had been presented against this measure, he admitted they were numerous beyond all precedent; but that they represented the opinions of the people of England he was inclined, from close investigation of the subject, rather to deny. He had taken some pains to analyze these petitions, and he believed that they did not emanate from the spontaneous feelings of the country. They were generally couched in the same language and in the same words; and he had good reason for believing that they had been all prepared in the same office in London, from whence they were disseminated over the entire country, and sent to every place for the purpose of collecting subscribers. He granted that in large and populous towns the signatures were numerous; but in the country places he denied that this was the case. He had taken pains to collect together the petitions from twenty-four parishes, containing a population of 19,000. The number of subscribers to these petitions, however, amounted only to 1,200. Again there was a town in Cheshire composed of 9,000 inhabitants, from whence emanated ten petitions, the number of subscribers to which only amounted to 200. With respect to his own profession, he had reason to believe that a majority was either indifferent or favourable to this measure. Out of eleven pamphlets he had had before him on this subject, there were six of them written by Protestant clergymen in favour of it; three by clergymen against it; and two by laymen against it. The Dissenters had undoubtedly sent in a great many petitions against this grant; but there was an under current

there which their Lordships were not perhaps aware of. He would show this, not from his own opinions, but from their own words. He would read to their Lordships an Address which had been presented to the Roman Catholics of Ireland from a conference of Protestant Dissenters in the course of the last month, abounding in protestations of respect and good will, in which they point out the main evil of Ireland:—

"We have ever held the opinion, of all the grievances under which your country has laboured, that there is one which is most unprofitable and oppressive."

Their Lordships would, no doubt, suppose that this grievance, which was thus alluded to, related to Maynooth or the doctrines of the Roman Catholics. Not so; the Address said—

"Of all the grievances under which your country has laboured, the establishment of the Anglican Church is in Ireland most unjustifiable and oppressive, and we will never cease to direct our efforts to remove from your shoulders this intolerable burden."

He was then persuaded that the reasons which had induced so many Dissenters to come forward with their petitions against this measure was not for the purpose of condemning Maynooth, for of the Roman Catholics they spoke most highly, as to their "going on in their majestic course," or of alluding to their idolatries and filthy abominations, but with a view of carrying out their principle of objecting to all endowments.

The Earl of *Winchilsea:* From what body did this Address emanate?

The Bishop of *Norwich:* From the Conference of Protestant Dissenters which was held in Crosby Hall, London. It was no doubt their duty to combat error wherever they found it, and to banish erroneous doctrines as far as they were able; but error was a delicate field for them to venture on. Every one of them might, more or less, be countenancing error. He believed that the Church of England was the purest Church in Christendom; he believed that it contained the ingredients of more excellence than any Church that was ever formed by the wisdom of man. But was their Church pure as we described, and, as we wished it to be, altogether destitute of error? He dared not say so, for he felt that he should be contradicted by general experience. Could there be a doubt that within the limits of their own Church there were oscillations—fearful oscillations from the confines of Calvinism on the one side, to the very depths of Popery on the other. Could there then be an equal truth throughout? There must be error in the inferior or lower state, and it was their duty to combat it, and to remove it by the best means within their reach. The only question was how to do it most effectually. There were three modes here of opposing error: the one was by imposing pains and penalties, which had been already tried, and which remained a blot upon the Protestant religion as to their conduct towards their Roman Catholic fellow-subjects—that system was tried with a severity which had been properly described as unparalleled in the history of civilized nations. Another mode was, by treating them with severity—by oppposing their doctrines with harshness and with unchristian-like conduct. This mode had been also followed—had it succeeded? No: both systems had altogether failed, although in Ireland they had a Church possessed of the most powerful machinery, protected by the State, and wealthy in proportion, far beyond the Church in this country, or probably elsewhere. He would venture to give their Lordships some intelligible idea of its power and influence; but he would first remind them that a century ago, while they were endeavouring to proselytize Ireland, there were three Roman Catholics to one Protestant. The number now had increased to seven Roman Catholics to one member of the Church of England. The population of Ireland consisted of 6,500,000 Roman Catholics. There were about 1,500,000 Protestants, of which number there were only a little more than half that number of persons belonging to the Church of England. About ten years ago, before the Ecclesiastical Commissioners had subdivided and diminished the different Sees, the diocese of Norwich—with the exception of from eleven to sixteen benefices—with one bishop, who was paid between 4,000*l.* or 5,000*l.* a year, had under his superintendence and guidance the same number of communicants as was in the whole of Ireland, with the exception of those benefices to which he had alluded; yet Ireland was superintended over by, he believed, eighteen bishops and four archbishops. It might be said that there were consolidations, or unions, as they were called in Ireland, but that argument would apply equally to his own diocese, and when they spoke of unions and consolidations, he thought the less that was said on that sub-

ject the better. But then they were immediately answered that the Irish Roman Catholics were worse than any other Roman Catholics on the face of the earth—that they were more unmanageable, more intractable, than any others. But why were they so? For the sake of argument, but not because it was his own opinion—for the sake of argument he would allow that they were more unmanageable and intractable. But why was it so? Because they the Protestants, had made them so. It was said that in Canada they upheld the Roman Catholic religion, because Canada was a conquered country. But Ireland was also a conquered country. It was conquered by Henry II., and had been treated as a conquered province from that time to the present. That was the truth, and could not be denied. Could they be surprised when it was known how they had been treated, that they should regard the established religion, beautiful and mild as its doctrines were, "as through a glass darkly," and that they viewed such religion with suspicion, or something worse? Another argument that had been used was, that their religion was unchanged and immutable; but although in the letter and in theory they were unchanged, in practice it was not so. He would state one fact to show their Lordships how differently Roman Catholics acted on the Continent. In the Grand Duchy of Baden, where there was a large Lutheran and Episcopalian congregation, and also a large congregation of the member of the Church of Rome, what did the bishop of the Roman Catholic Church do? Did he crush the Lutherans, or oppress the Church of England congregation? No such thing. He sent for the chief rector of the town and commanded him to open his church, and at eight o'clock in the morning the mass and service of the Church of Rome was performed; the Lutherans then performed their service; and twice in the day that same church was opened for the morning and evening service of the members of the Church of England. He was not prepared to say or admit that such a thing would be either practicable or even desirable, considering the habits, manners and feelings of this country; but to the principle on which the Roman Catholic bishop acted, he thought there might be some approximation. He would use one more argument bearing on the subject, namely, supposing Ireland to be under a Roman Catholic Government—that the members of the Established Church were in the minority, and that the Roman Catholic Government had, in a moment of kindness and benevolence, proposed such a measure as that before their Lordships, and that the six and a half millions of Roman Catholics opposed it, what would they say? Why, they would denounce them, and most properly, as bigoted, intolerant, and deficient in Christian charity. There would be a cry against such intolerance and justly so; and he (the Bishop of Norwich) would be the first to lead in it. He would not trespass longer on their Lordships' time—it was his intention to vote for the measure, first, because he considered it a religious question, inasmuch as it was associated with justice, with equity. He would vote for it, because he considered it an act of Christian duty, inasmuch as it was in accordance with the practice of that noble and prominent feature of our Saviour's doctrine to "do unto others as we would be done by." He would vote for it because he thought it an experiment in the right direction. He was in favour of education under any form he might say, but more especially under any form where religion was inculcated, as it must elicit truth; and as truth was elicited—he trusted the noble Lords who were members of the Roman Catholic religion would pardon him, but he spoke with sincerity as a Protestant—as education advanced truth was elicited, and in proportion as truth was elicited the laity of the Roman Catholic persuasion would rise as one man—hand to hand, and heart to heart, to overcome the thraldom of the priesthood, under which they were at present groaning. The measure was one which for a time, under existing prejudices and passions, might not be duly appreciated; but he trusted the time would soon come when it would be estimated in its true light, and that it would be hailed as a blessing by future generations, by their children's children, as one of the most wise and benevolent, expedient and useful, that was ever propounded in the 19th century. He cordially thanked the Government for bringing forward a measure which the nation had long wished for, and a measure of justice for which Ireland would be grateful.

The Earl of *Mornington* said, he was of opinion that no measure could be better adapted to conciliate the great Conservative Catholic body than the Bill which was now before them. It was a measure

which, without wounding Protestant feeling, would advance the great principle of policy which they had already recognised in their legislation with respect to their Catholic fellow subjects, and was well calculated to add to the grandeur and stability of this great Empire. Amongst the many arguments which had been used against this measure, was the old one that had reference to the view which the Catholics held of their oath, and the influence of the Pope over their civil duties; but that question was settled many years ago by Mr. Pitt, who proposed several questions to the Colleges of the Sorbonne, Louvain, and Salamanca, with a view to ascertain the charges which were then made against the Catholics, on the subject of the power of the Pope over the civil duties or allegiance of Roman Catholics. The first question was, whether the Pope, or Cardinals, or any body or individuals of the Church of Rome, had any civil authority, or power, or jurisdiction, or pre-eminence whatever, in the realm of England? The next question was, whether the Pope, or Cardinals, or any body, or individuals in the Church of Rome, could absolve or dispense any of His Majesty's subjects from their oath of allegiance under any pretext whatever? And the third was, whether there was any principle or tenet in the Roman Catholic faith by which Roman Catholics were justified in not keeping faith with heretics, or other persons who differed from them in religious opinions, or whether the Pope or Cardinals claimed any authority in this country? The answer to those questions was in the negative, they abandoning the idea of the Pope's supremacy; and if that were so clearly settled in the time of Mr. Pitt, why was the charge renewed at the present day? Mr. Pitt at that time entertained the idea of proposing the emancipation of the Catholics; but he was obliged to postpone it in consequence of the political events of the time. However, although he postponed the emancipation of the Catholics in consequence of these events, yet he settled the question regarding the obligations of an oath on the Roman Catholics, and the alleged belief by them of the Pope's supremacy in this country. He was rejoiced to find the Government bringing forward a measure like this, which was founded in sound policy, for surely it was good policy to carry out fully the principles on which the Emancipation Act of 1829 was agreed to. This was part of a great cause, and as they had already agreed to the Act of Catholic Emancipation, they were now, in his opinion, bound to carry out the principles of that Act by such a measure as this. Looking at it, therefore, as a beneficial measure, and as part of a wise and just system, he would give it his support. He had attentively listened to the debates in their Lordships' House for the last two nights; and he would remark, with respect to those who opposed the Bill, that they by that opposition expressed their desire to exclude the Roman Catholics from political power; for what other tendency could refusing them education have than to exclude them from power? The real objection to the Roman Catholic, he understood was, that it was a bad faith; but when the Roman Catholic religion was impressed on the minds of men of education, it was a very sublime religion; and the members of the Anglican Church, who, being well educated, did not respect the Catholic faith, were not wise as regarded the Anglican religion. He thought the fear which existed in the minds of some persons, as to giving the Pope influence in this country, was totally unfounded; and he would remind their Lordships, that in the countries with which there was a concordat, the Pope had less influence than the Archbishop of Canterbury had in England, independent of the Crown. He would remind those who had that fear of the Pope's influence, that the Pope was anxious to put down the agitation on the subject of the Repeal of the Union, and desirous that the Irish Charitable Bequests Act (which had been so much opposed by the Roman Catholics in Ireland) should pass. He repeated that he looked upon this as an excellent measure, and one well calculated to preserve the tranquillity of Ireland. If they took a large and comprehensive view of this important subject, they would perceive that it was merely following out a wise and just course of policy which they had already commenced; and if all parties could get rid of their prejudices, and looked at with an impartial judgment, he was satisfied it would meet with general support. The right rev. Prelate who spoke last had alluded in terms of just commendation to the liberality which characterized the conduct of the Catholic bishop at Baden; but he had not dwelt on that

circumstance with sufficient force; for there was not a single town in Germany in which a similar state of good feeling amongst Lutherans, Calvinists, and Roman Catholics, did not exist. The persons of different persuasions in Germany lived together in brotherly love, and were remarkable at the same time for the attention with which each observed the duties of his own persuasion. It was most desirable that such a system of liberality in religious feeling should be encouraged; and he, looking on this as a measure calculated to carry out a sound and liberal policy, felt bound to support it.

Lord *Colchester* said, that as four Peers had followed each other in speaking in favour of the Bill, he might urge a claim to be heard on the other side; for he felt it his duty to oppose the second reading of the Bill. He would occupy their Lordships' attention for a short period, while he expressed his strong feeling of objection to the measure; but he felt it to be his duty not to let the Bill pass without expressing that objection, and stating the grounds on which it was based. He wished he could induce their Lordships to pause before they agreed to that measure; but he should not enter at large into the question of policy, which had been argued by a noble Lord and a right rev. Prelate on the previous evening, but confine himself in the observations he had to make to the simple question of the present state of Maynooth, and the probable benefits and evils that might result from the measure. He did not shrink from saying, that, beyond agreeing in what had been stated with regard to the political disadvantages of the measure, he coincided with many of those who had sent their petitions up to their Lordships' House objecting, on religious principles, to endowing the clergy of an antagonistic Church to the Church to which he belonged. He called the Roman Catholic Church antagonistic to the Church of England, because the latter rested on the Scriptures alone, on the simple Word of God, while the former introduced other authorities, and rested on the traditions of men. He believed, with a noble Duke who had spoken from the cross benches, that the numerous petitions which had been presented to their Lordships' House were not merely the effect of a clamour raised for a moment, but that they expressed the real feeling of a large portion of the people of England and Scotland. He believed that the petitioners were not exclusively Dissenters, though he had no doubt that the Protestant Dissenters of this country had expressed themselves loudly and generally against the Bill; and he must remind noble Lords opposite that he had seen the times when they treated the petitions of Dissenters with a great deal more respect, and attached much more weight to them than they did on the present occasion. But petitions had been sent up from the clergy of the Establishment, and from the Church of Scotland, as well as from the two Universities. [Lord *Monteagle:* Neither.] There had been petitions to the House of Commons.

Lord *Brougham:* No, certainly not; a great number of members of the University of Cambridge had signed a memorial in favour of the Bill.

Lord *Colchester:* At any rate, the petitions from various parts of the country, and from Dissenters, as well as members of the Established Church, against the Bill, were sufficient to show how general the feeling of opposition to it was. He contended that it never was intended by the Irish Parliament that Maynooth College should be endowed by the State. There was nothing in the debates of the day to indicate such an intention. Moreover, the Commissioners were empowered to receive donations and subscriptions from charitable persons for the support of the College, which would hardly have been the case, if it was to be maintained by the State. Then, again, in the 10th Section of the original Act for granting 9,000*l.*, it was declared to be to "establish" the College, not a grant to be made from year to year for its maintenance. Again, the Statute of George IV., reciting the former Act, said—"Whereas a seminary has been established;" not endowed. In 1799, the grant was not made, being thrown out by the Irish House of Lords; and in 1808, the Protestant feeling was so strong against it that it was proposed to take it away; but Mr. Perceval did not accede to the proposition. These circumstances proved that an endowment of Maynooth had never been intended. The whole argument of the noble Duke (Wellington) and the noble Earl the late Secretary for Ireland, seemed to rest on the intention of the Government to provide for a sufficient number of priests for the whole Roman Catholic population of that country out of the public funds; and it

was stated, with regard to the present Bill, that the present number of priests was not sufficient; as if those who framed the Bill considered that they were bound to supply the whole number that might be wanted at any time. This was, indeed, carrying the argument in favour even of endowment to the extreme. But the character of the institution was monastic, the students being confined for five days out of the seven, being allowed to go out under superintendence on two days in the week only, and on some occasions they were not permitted to converse with each other. It was, therefore, an institution not deserving of the support of this Protestant and free country. The students were selected by the Roman Catholic bishops, and placed in that College under its restrictions for seven years; after which they returned to the place whence they came. Therefore they had not the means of obtaining that knowledge of the world and of human life which was calculated to make them efficient teachers of their flocks. It was stated that the College did not possess adequate accommodation and comfort for the students. That was to be attributed in a great measure to the Roman Catholics themselves; for why had they not, in the spirit of the Act by which that College was established, come forward with their subscriptions and donations to support it? It was clear that the Roman Catholics of Ireland did not consider such an institution as one for the maintenance of which they should give their money. If Roman Catholics cried out so much for the education of their clergy, why did they not set the example? Or, if they did not choose to support their own College for that purpose, why should they call upon this Protestant country to do it? But while complaints were made of the poverty of the students, the Roman Catholic authorities had gone so far towards assisting them as to divide one small allowance between two students. The Roman Catholic prelates, it appeared, were now objecting to the students being taught logic, moral philosophy, and history, except by Roman Catholic professors in other institutions which were contemplated. Did not this show that they wished to give a certain tinge to the instruction, and to divert logic, moral philosophy, and history from their pure and legitimate purpose? With respect to the Bill before the House, it certainly would give larger salaries to the professors, and increase those benefits to the students, for which the Roman Catholic gentry did not think it worth while to give their money. He thought that not only should the Roman Catholic gentry support it, but that those Protestant landlords who were so much in favour of this measure should also lend it their assistance. He did not see that any advantage would be derived from the alteration with regard to the visitors; nor did he believe that the student would receive any better education than formerly; nor that anything was improved, except the salaries of the professors and the comforts of the scholars. Though the sum had been voted for many years, it was never too late to object to that which was wrong. An annual grant, too, was a very different thing from a gift in perpetuity, as the Government would soon find, if they attempted to make the Navy and Army Estimates permanent, instead of annual. As to this being a healing measure, it would produce greater dissatisfaction in the country than ever. But it was asked, what was to be done with 6,000,000 of Roman Catholics? He would say, educate them, but not at Maynooth. He greatly approved of the principle of the Irish Colleges Bill, and wished to see a grant for educating the laity of Ireland; he could say that he was most anxious to see that country great and flourishing.

Lord *Monteagle:* My Lords, I rejoice to have given way to the noble Lord who has just sat down (Lord Colchester), more especially as the claim which he advanced for being heard is to the friends of the Bill a very cheering one; namely, the preponderance in numbers of the speakers in favour of the Bill; an important admission to be made by one of its strongest opponents. I venture to submit to your Lordships, whether the preponderance in argument has not hitherto been, at the least, as great as the numerical preponderance? This singular complaint of the want of earnestness and of numbers among our opponents, and made, too, by themselves, will I trust, lead to good consequences in Ireland, and will prove to a people who have been unfortunately impressed with a contrary belief, that both in your Lordships' House and elsewhere, a great majority of their fellow subjects are sincerely desirous to do their duty towards Ireland, and to promote in every way the well-being of that country and of its inhabitants. I find another and a most important illustration of the same truth in

the fact, that the Bill has hitherto been supported by a greater relative number of English Peers, than of Peers connected by birth or property with Ireland. If this measure is considered important in Ireland —and it cannot be otherwise considered— if it is regarded as an act of justice, of wise policy, and of favour and generosity, extended not only to the people of Ireland, but to the religious faith and to the clergy of the great majority of that people; it should be for ever remembered, that the British advocates of the Bill have been the most numerous, and that in zeal and earnestness they have not been surpassed by any Irish supporter of this excellent and liberal proposition. This fact should be most gratifying and most welcome to all friends of the Union between the two countries; it is a conclusive proof that there is not in Parliament, as there ought not to be, any severance of feeling between British and Irish Members; that there is not, among either, any slackness in the endeavour to perform their public duty; but on the contrary, that there exists amongst all an equal desire to advance the real interests, to secure the permanent welfare, to respect the feelings, and I may be permitted to add, even, to consult the honest prejudices of the people of Ireland. This is neither confined to race nor to party. It is to be found among the English and among the Scotch, among the Whigs, the Tories, the Conservatives and the Radicals. However we may differ about the means, there is no difference between us in our desire of serving Ireland. I therefore beg most respectfully to tender my humble acknowledgments, as an Irishman, to the Peers of England and of Scotland who have supported this Bill; I thank them, not only for their advocacy of a measure right in itself, but for the additional strength which they have thereby given to the Legislative Union. I beg more particularly to thank my noble Friend (Earl of Carnarvon), whose eloquent and impressive speech, delivered last night, brought the whole subject before the House, in a manner which cannot easily be forgotten by those who had the good fortune to hear him—a speech which I trust may be long and affectionately remembered by the people of Ireland. It has been urged by those who oppose the Bill, that the original founders of the College never contemplated its permanent endowment by the State. A greater mistake cannot well be committed. We know the importance attached to the foundation of Maynooth by Mr. Grattan, Mr. Burke, and Lord Fitzwilliam. But if those great men are to be objected to by our opponents as incompetent witnesses, the evidence of the Earl Camden on this subject must be admitted to be conclusive. His prejudices were not likely to have run very strongly in favour of a College proposed to be established by his predecessor. And yet the words selected by the Earl Camden, as Lord Lieutenant of Ireland, to express his sense of the important step which had been taken in establishing Maynooth, were the most precise and emphatic that could have been used on such an occasion. "I congratulate you," said Lord Camden to the Irish Parliament, in his speech from the Throne in 1795, "I congratulate you, that a wise foundation has been laid for the education of the Roman Catholic clergy at home." Observe the force and appropriateness of the word "foundation." A word more full of meaning could not have been selected; and it could not have been employed on any occasion, or by any speaker, more peculiarly calculated to enhance its real import and signification. No term in the English language could have conveyed a more distinct pledge of the intentions of the Government of Mr. Pitt. I dwell on this, because the original views of the British and the Irish Governments, in the year 1795, are most material to be carefully borne in mind; nor should the names and characters of the real founders of Maynooth, nor the general scope of their declared policy, be forgotten. On the present occasion they are not only authorities to which we may appeal, but they are guides we ought to follow. On this part of the subject, namely, on the origin of Maynooth, I beg leave very respectfully to differ from the noble Duke (the Duke of Wellington) who has introduced this Bill; though I do not differ with him as to the conclusions to which he has arrived. In differing from him, I admit, however, the policy of his argument as bearing upon a class of persons whose support he is desirous of obtaining. But I cannot adopt his views respecting the origin of Maynooth: the facts he states are entirely true, and they ought to be borne in mind in discussing the question; but there are other facts still more important, which the noble Duke has omitted, and which I must be allowed to point out, desirous as I am that this measure should produce its full effect upon the people of both countries, and that it should be gene-

rously conceded here, and gratefully accepted in Ireland. This can hardly be expected unless the history of the foundation of Maynooth be remembered. The noble Duke has stated that this measure was originally supported in Ireland by Lord Chancellor Clare, by the Beresfords, by Lords Kilwarden and Avonmore. Great officers of State in Ireland, it is true, gave an honourable support to the measure, and recommended it to Parliament. But some of these names are not qualified to increase its popularity in one country, or add to its weight in the other. I do not wish this measure to rest on the authority of any local politicians, however eminent their talents, and even assuming their support to have been independent and disinterested. It rests on the far higher authority of the greatest and wisest philosopher of his time, and on the authority of the most powerful statesman who ever influenced the counsels of a British Parliament. It is not to be considered as the Bill of Lord Chancellor Clare, however respectable his authority; it is not to be considered as the Bill of Chief Justice Yelverton, or Mr. Wolfe;—no—it is more truly to be regarded as the Bill of Edmund Burke, as the Bill of William Pitt; and as sanctioned by a name more powerful than both in the country for whose benefit it was intended—as the Bill of Henry Grattan. The importance attached to this measure by Burke, and the share he took in its foundation, are no longer matters of doubt or speculation. From the published correspondence of Mr. Burke—for which the world are greatly indebted to two distinguished friends of Ireland, the Earl Fitzwilliam and Lieutenant General Sir Richard Bourke—it is clear that from September, 1794, to the autumn of 1795, this subject engrossed the attention of Burke, the eager anxiety of Grattan, and the best exertions of that excellent and pious man, Bishop Hussey, the first president of the College. In September, 1794, Mr. Grattan wrote to Mr. Burke—

"I have had the pleasure of seeing Dr. Hussey. He mentioned the subject of the College as having interested your attention. On that or any subject, I shall be happy to receive your instructions, which I shall always reverence."

He resumes the subject again in October, 1794:—

"The point that has occurred to you," he observes, "is certainly of great moment. It is absolutely necessary to allow the Catholic clergy a Catholic education at home. If they cannot have a Catholic education at home, they can have none at all, or none that is not dangerous. I don't think any time should be lost; too much time has been lost already, both with regard to their education and to Irish education in general."

I am unwilling to trouble your Lordships with many extracts from this most interesting correspondence; but there still are a few more to which I must be permitted to call your particular attention. Your Lordships are well aware of the history of that period—of the appointment of Lord Fitzwilliam, of the liberal intentions with which he entered on the functions of Lord Lieutenant—of his most unfortunate recall when he had hardly been more than *ostentatus terris*, and when the love borne towards him was proved by the bitterness of a nation's regret and disappointment. This unhappy change brought to a severe test the principle on which Maynooth rested. It had been proposed by Lord Fitzwilliam, with the good will and hearty concurrence of his colleagues and of the British Cabinet. It was received in Ireland, as was Lord Fitzwilliam himself, with the most cordial and grateful feelings. But on the recall of the Lord Lieutenant, whilst many of his plans were rejected by his successor in office, the College of Maynooth, so far from being included in that number, was vigorously supported and carried into effect under Lord Camden by his Secretary, Mr. Pelham. Bishop Hussey writes to Mr. Burke, February 26, 1795—

"The disastrous news, my dear Sir, of Earl Fitzwilliam's recall is come; and Ireland is now on the brink of a civil war. * * * I wrote half a dozen lines this day to the Duke of Portland confining myself to two questions:—first, whether the Education Bill is to be effected? secondly, whether it is his wish that I should remain for the purpose?"

On the 10th March, the same prelate communicates the results of this inquiry. He states—

"I received a letter two days ago from the Duke of Portland desiring me to remain for the establishment of a Catholic College; and promising to have a Bill passed for it in this Session of Parliament. Knowing the good effects such an intention would produce towards quieting the present irritated state of the public mind, I made every prudent use of his Grace's letter, and have succeeded."

It was several months after the removal of Lord Fitzwilliam that Burke finally addressed Bishop Hussey on the subject of Maynooth, in a leter dated July, 1795. Mr. Burke's words were as follow:—

"I am in the highest degree interested in

anything with which you are concerned, and most particularly in the object which detains you in Ireland. If that business is completed as it ought to be, and as it will be, if the hands of the jobbers are kept out of it, I expect more good to come of it than from anything else that has happened in our days."

Well and truly did Mr. Burke express himself in this letter. And, nearly echoing Mr. Burke's words on the present occasion, I will say that I consider the present Bill the most important measure that has passed, if not since the Union, at least since the Relief Bill of 1829. In some respects, indeed, I consider it to be more important than the Relief Bill itself. In its practical effects on the religious feelings of the Roman Catholic people of Ireland it is all important. If your Lordships will throw your eyes back upon the history of Ireland, stained and disfigured as that history is by bloodshed and crime—perplexed and confused as it has been by perpetual civil commotion—you will still find, that for the last three centuries, all these contentions have resolved themselves into one great severance—not a severance of nation from nation, or of race from race, but a severance still more fatal—a severance on the score of religion; by which the Protestants were placed at one side of a line, cruelly and unjustly drawn by the Legislature, and the Roman Catholics on the other. The favours of the State were lavished on the first—a most unfortunate gift; and for the second, were reserved pains and penalties, as little calculated to render them good Protestants, as to make them good subjects. This wicked policy was pre-eminently displayed in the mode in which Parliament dealt with two questions of incalculable importance—the religion and the education of the people. These two great national objects of interest were sacrificed by the bigots who governed Ireland: these two great national duties were not merely disregarded and neglected, but were wickedly counteracted by the Ministers who ruled after the Revolution. The priest and the schoolmaster were alike made objects of penalty and of persecution. When my noble and learned Friend (Lord Brougham) stated on a former night, that the Church of England had not been a persecuting Church, I cheered that statement, believing it to be a perfectly true one. It was the State rather than the Church which was the persecutor in Ireland. The Church in that country, as in this, maintained on the whole its true character as the most liberal, as well as the purest and most enlightened of our various religious denominations. But though the Church in Ireland was not intolerant, the State, or rather the small but governing minority in Ireland, were intolerant and persecuting to a degree of ingenious wickedness, which in the annals of the world have never been surpassed, and to which the legislation of all mankind can afford no parallel. The Roman Catholic religion was proscribed; its sacred functions were prohibited; its priests were hunted down and banished. And how had the so much praised and regretted Parliament of Ireland dealt with the question of education? I ask your Lordships to examine your Statute Book. I agree with my noble Friend (Lord Roden) that the days of William the Deliverer were the birthtime of British liberty; but in Ireland they were the days of injustice, oppression, and violated faith. With most malignant ingenuity, Acts were passed making it criminal for Catholics to obtain education at home, and rendering it penal for Catholics to seek education abroad. The same party which thus proscribed knowledge had the audacity to reproach the Irish with ignorance. They drove my countrymen to foreign countries, and then reproached them with their subjection to foreign influences; they taunted us with faults and defects of which their own wicked legislation had been the primary cause. I thank God those evil days have passed away. Those atrocious laws have been, for the most part, repealed. But it should be remembered that our improved and more impartial legislation has chiefly proceeded on political grounds. We have vindicated civil liberty, it is true; but the cause of religious equality, and of Christian charity, has not yet been triumphant. Till the enactment of the Charitable Bequests Act of the last Session, and the introduction of the present Bill, we seem to have been afraid of avowing either respect or sympathy for the religion of the Roman Catholics of Ireland, or for the ministers of that religion. It is not surprising, therefore, that religious irritation and jealousy should exist. I consider the present measures to be almost the first which strike at the root of the disease. They are right in principle, though still incomplete and inadequate. But yet, though we may not effect all that we desire, Parliament is at length endeavouring to apply an appropriate and healing remedy to the festering and sore part of our system; we are at length abandoning that vicious course of legislation which severed the people of England from

the religion and the spiritual instructors of the great majority of the people of Ireland, dealing with the latter as enemies or as insincere friends. We are, for the first time, saying to the latter, "Not only do we now cast aside all jealousy and suspicion on account of your religious faith—not only do we abandon and disclaim any desire of subjecting you, as Roman Catholics, to civil disabilities or penal enactments, but we at last mark our respect and sympathy for the religion you profess—we are, at last, disposed to support and countenance it; not dealing with it, indeed, as a religion which we, as Protestants, prefer, but as the religion which is preferred by the great bulk of the people of Ireland." The question which you, my Lords, are called upon to decide by your votes this night, is not whether you adopt the College of Maynooth as a perfect system, nor yet, whether the opinions of the Roman Catholic Church are conformable with our own views of religious truth; but whether it is not wise to acknowledge the Catholic clergy, as the religious instructors of the Irish people, and as such, the instruments through which we are permitted to effect the greatest amount of good to Ireland, both moral and spiritual. I believe most sincerely that this is the case. But we are to be met, it seems, by a preliminary objection, which, if it be well founded, I must admit is conclusive against the Bill; but if it is well founded, it is equally fatal to our past, as to our present legislation. The Roman Catholic religion, we are told, is not only an erroneous one, but it contains most fatal and deadly errors of faith and doctrine. By this Bill we provide for its professors and its priests. We are thus disseminating as well as countenancing error. And this is charged against us as a national sin; and all the authors and supporters of this measure are stigmatized as men equally forgetful of our duty towards God and towards our country. Now, those who make use of such an argument, must be either ignorant or wilfully forgetful of the course pursued by England in all quarters of the world, not only at present, but in former times; not only under the auspices of the present Government, but under Cabinets of the most unquestioned orthodoxy, or else they must admit that we have been for years most unscrupulous offenders. As conclusive evidence on this subject, I beg leave to refer to Returns which I moved for, and which are now on your Lordships' Table. As these Returns have not yet been before the public for a sufficient time to familiarize the House with the important facts which they contain, and the truths they illustrate, I must take leave to notice some of their most important contents. I shall do this for the purpose of demonstrating how truly absurd and fallacious, how contrary to historical fact, is the assertion that Parliament, in passing this Bill, is adopting any novel or unjustifiable principle. I shall do this for the purpose of silencing those ignorant clamourers, who proclaim so loudly, that by providing for the instruction of Catholics in their religion, we are unprotestantizing England—that we are unchristianizing the Empire. I do this to prove that these noisy advocates of intolerance know nothing of the subjects which they presume to discuss, that they are utterly ignorant of the whole course of our legislation, and of our Government, foreign, domestic, and, more especially, colonial. I reason on the assumption of their ignorance, in preference to the adoption of the less flattering supposition of a willing, and therefore a culpable, misrepresentation. The Returns which are now before me exhibit the mode in which the Government and the Imperial as well as the Colonial Legislatures have dealt with questions relating to religion and to education. They illustrate the principle on which England, as an Empire, has acted in the promotion of religious instruction in our Colonies, in the endowment, not of one, but of many religions in our wide-spread dependencies. My Lords, I feel a national pride as a British subject in referring to these authentic documents. In foreign countries it has been so often asserted, that it is at length believed, that we consider our Colonies as forming only the basis of our political and commercial power, and as giving us the means of acquiring and accumulating wealth. These official Returns prove, on the contrary, that England is swayed and influenced by higher thoughts, and that she performs nobler duties. This Return proves that we have not been insensible to those more exalted functions of a Government, and of a mother State—the duty of providing for the moral and religious wants of our Colonial fellow subjects. These duties we endeavour to discharge, and God forbid we should ever undervalue or neglect them! But the principle which guides us in performing these functions is shown on the face of these Returns. Is it intolerant?

Is it exclusive? Does it assume that as a State we possess a capacity for pronouncing authoritatively upon what we consider religious truth; and that within that circle of religious truth our active interposition should be strictly confined? Does it exclude the Roman Catholics and their religious teachers from the bounty and support of the State, on the supposition that they are disseminators of error? No such thing. From the language used by those who are hostile to Maynooth, it might be supposed that any encouragement given to the Roman Catholic religion by the State is a novel as well as an indefensible proceeding, and that the present Government and those who support them are responsible for this dangerous innovation. From the Paper which is before me, it appears that the population of the thirty-eight Colonial possessions of England amounts to 4,695,000, and that liberal sums are voted or appropriated for the purposes of religious instruction and general education. Now, if the supreme power of a State possessed, or could justly claim, a capacity for the discovery of religious truth; if that truth is but one; and if it therefore becomes our duty, in our national and corporate capacity, to withhold and discountenance the propagation of all opinions inconsistent with that single and selected truth—there surely is no portion of the Empire so well adapted for the application of this principle as are some of our Colonies. In those newly formed communities we had, as it were, a *tabula rasa*, on which it was competent to us, at our free will, to trace any inscription. In the Return to which I refer, so far from our adoption of any single and exclusive principle, there are exhibited the most signal instances of our preference of a principle more comprehensive. In that Return is contained ample evidence that in our Colonies we support those several modifications of Christianity which, appearing to prevail the most in each particular place, are the most likely to meet the wants, and to promote the spiritual well-being of the colonists and inhabitants. I find, that in the single year 1842, 163,144*l.* was voted by the Home and the Colonial Legislatures for purposes connected with the Established Church; that during the same period 29,692*l.* has been voted for the Presbyterian Church of Scotland in the Colonies; for the Wesleyans and Protestant Dissenters 4,634*l.*; and for the Church of Rome 26,079*l.*, including not only a payment for Roman Catholic priests, but in several instances payments for Roman Catholic bishops also; thus making altogether a sum of 223,549*l.*, of which 46,912*l.* was paid by the British Treasury, and 176,637*l.* was paid out of the Colonial funds. In addition to this, 171,162*l.* was voted for schools in connexion with various denominations of Christians. I am not called on to explain or defend the proportions in which this public aid is allotted. I am dealing with the principle only; and this is not varied by the question of more or less, as exemplified in the appropriation of these sums. What I engaged to prove, and what I have proved, is, that the endowment of the Roman Catholic Church is not a principle first adopted in the present day, first sanctioned by the measure of the noble Duke (Wellington) or by the Colonial administration of my noble Friend (Lord Stanley); but that it was recognised by his predecessors in office, many years back, and by Parliamentary votes given in what were called good Protestant times. Nor were these principles adopted or applied in secret, and in the dark. Parliament, and the Committees of Parliament, were not left in ignorance of what was going on in all quarters of the globe under our Government. Attention was repeatedly drawn to these permanent endowments as well as to the annual grants which were made or sanctioned; yet, I am not aware, during more than a quarter of a century of Parliamentary experience, that the intolerant objections now raised against the increased vote for Maynooth have ever been urged against these Colonial grants. I scarcely know any denomination of Christian men for whose benefit, at one time or another, some public aid does not appear to have been given. In Canada, we support Roman Catholics, Episcopalians, Presbyterians, and other Dissenters. We have abandoned the enactments of our earlier Statute Law, and this in the present reign, for the purpose of including Roman Catholics in an appropriation of ecclesiastical estates expressly intended for other religious denominations. This was done in 1840. In the Mauritius, there is a joint endowment for the Church of England and that of Rome. In Newfoundland, we not only endow a Roman Catholic bishop, but we build a Roman Catholic cathedral. In Jamaica, grants for the Church, for Protestant Dissenters and the Roman Catholics are eulogized by a late excellent Governor (Lord Metcalfe) as "honourable to the Legislature, and attended with benefit to the community."

In our Spanish, French, and Dutch Colonies, the religious feelings and interests of the various Churches are respected and are provided for. But the case to which I should wish more especially to call your Lordships' attention, is that of one of our latest Colonies, where it cannot be suggested that we are acting in pursuance of any obligations either of compact or of Treaty; but where, if there ever was a case where we were free to act according to our own sense of duty, we were at perfect liberty to do so. I allude to the important and improving Colony of Australia. There, it will be seen that the most perfect system of religious freedom, and I may add of religous equality and justice, has been adopted. This is done effectually; but not by adopting that which is commonly called the voluntary principle, and leaving all religions to shift for themselves; a principle, if, indeed, a principle it can be called, to which I should object as strongly as any one of your Lordships. On the contrary, the Legislature has acted on the very opposite principle, and has laid down as its fundamental doctrine that it was as clearly the bounden duty of the Government to provide for the religious and moral interests of the people, as for their civil government, their military protection, and their material wants. The Legislature did not realize this truth by providing for one Church only—still less did they feel themselves justified in leaving all Churches unprovided for. They wisely and charitably made provision for all. The Colonial Church Temporalities Act of 1836, constitutes one of the many causes of gratitude and respect which rendered the administration of my excellent friend Sir Richard Bourke memorable in Australia, and a model of imitation to all succeeding governors. In New South Wales, under this wise and impartial law, the Church of England received 17,000*l.* per annum; the Church of Scotland 7,000*l.*; the Wesleyans and other Dissenters 3,400*l.*, and the Roman Catholics 10,097*l.* Nor can I overlook the effects which this truly catholic principle of endowments has practically produced on the interests of the Church of England. Has it led to its dishonour or to its decay? On the contrary, I appeal to the right rev. Bench, and ask those prelates who take the deepest interest in missionary proceedings connected with the Church, and to whom the Colonial correspondence on this subject is officially referred, whether they can point out any other part of the Colonial dominions of the Crown in which the Church of England has been more prosperous, where her doctrines have taken a firmer root, or have extended more rapidly, than in New South Wales, under the influence of Sir Richard Bourke's most wise and liberal legislation? The inferences which are deducible from this great and successful experiment would carry me much further than would be justifiable on the present occasion. I have raised a question, however, which I hope may claim some portion of your Lordships' attention hereafter. I need not carry it further, for the purposes of my present argument. I scarcely anticipate that any noble Lord will feel inclined to reject the precedents which I have cited, on the ground that they are exclusively drawn from our Colonial administration. Beware, my Lords, of so dangerous, I might say, of so fatal an argument. Are your Lordships disposed to say to the people of Ireland, "We will not assist in the education of your Irish priesthood, for this would be the endowment of error, and, therefore, would be unworthy of men who boast that they are the exclusive supporters of truth; but while we maintain this doctrine inviolably in Ireland, we entertain an utter disregard of its authority in every other part of the world? The religious feelings and interests of the French Canadians, of the Spaniards at Trinidad, of the Dutch at the Cape, and in Demerara, are taken into just account by Great Britain; for them we sympathize; but towards Ireland and the Irish people we adopt and act upon a different theory." Nay, you who oppose this Bill are bound to go much further. You are driven to the admission that you are ready to do more, and that you hold yourself morally justified in doing more for the convicts of Van Diemen's Land and Norfolk Island, than you will sanction or tolerate for the people of that which is an integral part of your European Empire. You endow the priests of Australia without any conscientious scruple —you refuse to support Maynooth, on the suggestion that it is sinful to do so. I have dealt with the argument as it would stand if we were now for the first time called upon to found a Roman Catholic College in Ireland. I really can hardly condescend to consider the objection as applicable merely to an increase of a grant admitted by all to be inadequate. Such an objection is childish —is absurd. The argument, if good at all, applies to the whole grant, and not to its augmentation. The real objection felt,

though there may be some reluctance in expressing it, is the bearing of the question on Ireland, and on Irish interests. This the petitioners from Exeter Hall shrink from avowing. They are afraid to say, "We willingly endow the Catholicism of Rome, wherever in the most distant lands the flag of the Empire waves; but when we turn to our neighbours in Ireland, to those who ought to be our fast friends, we find that the *Secunda Secundæ* of Aquinas stands between us and the fulfilment of those duties which we discharge so scrupulously elsewhere." Will the people of Ireland be contented, think you, at being told that, because their professors of polemics keep on their shelves a copy of Maldonatus, or even the commentaries of Menochius, you mark your dislike to their religion and your distrust of its professors, in a mode which you do not venture to adopt at the antipodes? A right rev. Prelate (Bishop of London) has informed us that he is most desirous that the Roman Catholics should be educated, provided only that they are not educated in erroneous doctrine; that is, he objects to a course of Roman Catholic instruction, because it comprehends Roman Catholic theology; he, too, is alarmed at a College in the library of which the *Secunda Secundæ* is to be found. This book seems to have created in the minds of many speakers a holy alarm, as if it contained the substance of all evil; yet it has been described by a late authority in our own Church, "as a work which has been in all ages especially admired, and by many is still admired, as an unrivalled exposition of Christian morality." But the argument which rejects the works of Aquinas, as an unfit subject of study in an ecclesiastical College, and then proposes to teach Roman Catholic students upon the very practicable and reasonable conditions, that they shall not study their own divinity, appears to me unrivalled, as combining at once an unfounded assumption, and an illogical conclusion. I have not yet exhausted my argument on this branch of the subject. It is against the sin of teaching Popery, that the religious world, and the congregations of Exeter Hall, send forth their petitions, by their thousands and their ten thousands. Yet this, I have proved to you, is done by us all over the world, and has been done in Ireland since 1796. And much more than this is done in our possessions in India. Not only have you there provided for Churchmen, for Presbyterians, and Roman Catholics, in your last Charter Act of 1833, but you have not neglected the faith and religion of the Mahomedan and of the Hindoo. You support at Calcutta, you support at Benares, establishments for the cultivation of Sanscrit and Mahomedan law and learning; and with the law, the religion of Oriental countries is necessarily intermixed. The Mahomedan College was established on the requisition of certain eminent persons of that faith, in 1795, the very year of the foundation of Maynooth. Money has been repeatedly appropriated for its support. Reports are periodically made to the Indian Government showing its condition. In this institution there are courses of lectures, as in the Colleges of this country—lectures in theology, and I pray your Lordships to recollect the nature of that theology—in logic, in pure mathematics, in physics, and other branches of academical instruction; and the salaries of the professors are fixed, and duly paid. At Benares, as I have already stated, a Hindoo College has been forwarded by the Government. The object of this institution is stated to be the preservation of the ancient language, the literature, and the laws of Hindostan; and, above all, the learning connected with the religion of the people. Are you disposed, my Lords, to adhere to your objection to the present Bill, after a review of these facts? Will you allow even an echo of your arguments to be returned to Ireland? Will you proclaim to the most excitable of your fellow countrymen, that you willingly found and willingly support a College for the Hindoo and the Mahomedan—that you respect the religion and the law of the natives of the East, but that in respect to the Irish, who are, or who ought to be, as dear to you as the inhabitants of Middlesex or Surrey, you set aside the petitions of their bishops, you disregard the recommendations of your own Government; because, forsooth, you are pleased to consider the education of Christian priests, of the Roman Catholic persuasion, to be a sinful propagation of error. For the sacred city of Benares you are ready to provide instruction in a law and religion wholly differing from our own—in Ireland you feel, or affect to feel, scruples in promoting the education of what you cannot deny to be a Christian priesthood. Prove to me that any and every form of Christian faith is not divine truth, when compared with the mythology of the Hindoo, and the spurious

revelations of the Koran, and there may then be some consistency, though not a sound policy, in your proceedings; but to me, who believe that the religion of the Gospel, under any modification, is still in its essence divine, the course of conduct which you call upon Parliament to pursue in rejecting this Bill is beyond all comprehension. I do not pretend to claim for this country any peculiar merit in acting towards its Colonial possessions on the principles I have described. Cast a glance across the channel, and observe the conduct of the French Legislature. There the Protestant pastor is protected by the laws, and is endowed by the State. I entreat you, my Lords, to consider whether you are reading to the Irish people a safe lesson, when you teach them that in foreign countries, where the Roman Catholic is the religion of the State, more attention and deference is shown to Protestants than you are disposed to extend to the Irish Roman Catholics. Will this render the Government of Her Majesty more easy, or the power of the Imperial Parliament more effective? Will this make the Union more popular, or contribute to silence the cry for Repeal? One strange particularity has from first to last characterized the arguments of the opponents of this Bill. They object to the proposition of the Government—they condemn the present condition of Maynooth; but they shrink from the suggestion of any alternative whatever. They do not venture to make any proposition of their own. The noble Lord (the Earl of Roden) who moved for a Committee, might indeed have suggested that his Amendment was this alternative; but this supposition is negatived by his frank admission that his real object was not to inquire but to defeat the Bill. At the same time, the noble Lord condemned Maynooth as it is now governed and constituted. We must agree to the proposition of the Government for the improvement of this College, we must leave matters as they are, or we must withdraw the Parliamentary grant altogether. No one on either side has proposed that matters should rest as they are; that, of all propositions, seems the least defensible. As to the refusal of the grant, and the repeal of the laws founding the College, I ask, is any one ready to make, or defend such a proposition? The suggestion was, it is true, hazarded in the House of Commons; but I believe that no one had the rashness to follow it up. Therefore, it appears to me, that the improvement of the College as proposed by the Government is the only practical question which is before us. It is true that some Peers have expressed, or at least implied, a preference for a foreign education. But was this quite candid on their part? Supposing that, at this moment, the priests of Ireland were educated in Foreign States, in Belgium, in Spain, Portugal, or Italy, would not the very persons to whom I allude be the loudest in their protests against foreign influence and Ultramontane doctrine? Should we not be reminded, and reminded with historical truth, that Douay was founded by Cardinal Allen, at a time when the Low Countries were part of Spain, and when Spanish influence was the most opposed to Protestantism? Should we not be referred to Father Parsons, the Jesuit, as the founder of St. Omer? Would not the politics and the fanaticism of the clergy of the Peninsula, and the influence of the regular orders on the Continent, be held up to us as being conclusive arguments against foreign education? If the objection of the noble Duke (the Duke of Manchester) was of any real force as against a priesthood brought up under the control of our own laws, and our own magistrates, the cry against the Ultramontane doctrines of the priests and their anti-constitutional principles would be tenfold greater when that priesthood derived its influences from abroad. On this point, I may refer to the very laborious work of Mr. Lord, which has been most industriously circulated by the opponents of Maynooth. This gentleman, who, I believe, is a member of the learned profession of the law, asks, what can be expected from an education at Rome, but the most bitter bigotry, and a hatred against this country and its institutions? Would not a foreign education be therefore considered by those who now oppose this Bill more objectionable than Maynooth itself? It is therefore, in the highest degree, uncandid to suggest a foreign education as a preferable alternative. Even Mr. Leslie Foster himself declared, on the 13th of July, 1807, that "of the establishment of Maynooth as a substitution for St. Omer's, he entirely approved;" and yet statesmen of the school of Leslie Foster would have us believe that they are willing to revert to that system so loudly, so generally, and so justly condemned. The noble Earl who moved the Amendment has referred to the authority of a great and excellent man, ever entitled to be named with grateful reverence both within and with-

out these walls. The name of Wilberforce—*clarum et venerabile nomen*—could not but have the greatest weight with all, and more especially with some of those classes who are the most opposed to this Bill. From the use made by the noble Lord of that respected name, it might be inferred that Wilberforce had been opposed, not only to a grant to Maynooth, but even to the claims of the Irish Roman Catholics. This was not the case. The subject of debate on the 5th of May, 1808, the period to which I believe the noble Earl (the Earl of Roden) alludes, was not whether the ordinary Vote for Maynooth should be withdrawn, but whether the Vote, as increased by the Whig Government of 1807, should or should not be continued. In the discussion of this question, the principle of some public endowment for Maynooth was conceded even by Mr. Perceval's Government; and Wilberforce himself appealed to that endowment in proof that England, in this respect, went far beyond the mere principle of toleration in her Irish policy. "As far as an establishment was supported at the public expense for the purpose of instructing a particular class differing in sentiment from the established religion of the country, we went beyond the bounds of toleration; and instead of acting on the principles of bigotry or intolerance, we exercised a degree of liberality unknown in any other country." This, unquestionably, is not the language of an enemy to the Vote. Though Wilberforce, at that period of his life, did entertain some alarm and jealousy in respect to the opinions of the Roman Catholics, it is notorious that, at a later period, he became one of their most honourable and most effectual supporters. It was in the full maturity of his genius that he uttered those memorable words, "As an Englishman, I feel that I owe an atonement to Ireland for the wrongs of centuries." Not one word of objection was uttered by Mr. Wilberforce against the principle of the Maynooth grant during the many discussions on the subject which took place; and he was, on the contrary, an acquiescing party to the annual votes from the Union to the period of his lamented death. I must, therefore, protest against the supposition that the authority of Wilberforce can be justly turned against us. If I wanted any further evidence to prove that on the occasion referred to the principle of the Maynooth vote was not brought into controversy, I might refer to the speech of the noble Duke, then Sir Arthur Wellesley, and Secretary for Ireland. On the 29th of April, 1808, the objection which he raised to the increased vote was, that "The number of priests educated at Maynooth, when added to those educated in other parts of Ireland, was fully adequate for the purpose for which they were required." To me it therefore seems but a natural, and, indeed, an unavoidable inference, that if, by the progress of population since 1808, the number of priests educated at Maynooth is inadequate for the discharge of their duties in 1845, so far from being inconsistent in his conduct, the noble Duke is now carrying out, to its legitimate conclusion, the very principle which, thirty-seven years back, he affirmed as Secretary for Ireland. How stand the facts? The population of Ireland has increased nearly 4,000,000 in the last half century; and is it possible for any men acquainted with the laborious duties of the parish priests of Ireland, to contend that those duties can now be performed without an increase of the former ecclesiastical establishment? Another name had been referred to by the same noble Earl in support of his views; a name which could not fail to have great influence with your Lordships and with the public. To my infinite astonishment, I heard Mr. Alexander Knox referred to as an opponent of Maynooth. My Lords, a more excellent and pious man did not exist, or one more entitled to respect from his high principles, his earnest piety, his rare literary endowments, and his love for Ireland. He was the affectionate friend, worthy guide, associate, and fellow labourer of the good Bishop Jebb, into whose intimacy I feel proud to have been admitted. But so far was Mr. Alexander Knox from being opposed to Maynooth, that for more than twenty years of his life, he fulfilled the duties and received the emoluments of agent to the College.

The Earl of *Roden* said, that he had referred to that gentleman as being opposed to the proceedings carried on at Maynooth, and not to the original grant, but quite the contrary.

Lord *Monteagle:* My Lords, I undertake to prove to your Lordships that the opinions of Mr. Alexander Knox had not undergone any change in any respect. If they had, is it to be believed that he would have continued his connexion with Maynooth to the very last moment of his life? Would he have lent the sanction of his high name to an institution which he condemned, more

especially if he condemned it on religious grounds? The supposition would be inconsistent with personal honour, with moral principle, and would therefore be irreconcilable with the character of Alexander Knox. Your Lordships will recollect that this gentleman had been the private secretary to Lord Castlereagh at the time of the Union. He was appointed agent to Maynooth by that Minister in 1800. In that official capacity, he was the medium of all communications between the College and the Government. He was examined on the subject of Maynooth in 1826, before the Royal Commissioners. Is it to be suggested or believed, that if his opinions were unfavourable to the College, he would, when examined on oath, have suppressed or withheld those unfavourable opinions? But not one word dropped from him which bears or suggests any such inference. Quite the contrary. It is true he admits that his official duties were, to a considerable extent, nominal. But he refers with satisfaction to a service he had rendered to Maynooth by applying to the Government on behalf of the trustees for an addition to the grant. This, I think, he obtained. Mr. Knox states this act to have been the last service he had it in his power to render to Maynooth. I submit to your Lordships, that this language, so employed by Mr. Knox, and in evidence given on oath, and after twenty-six years of service as a salaried officer, negatives most abundantly the supposition that he was adverse to the Maynooth establishment. I think I have thus made out clearly, that neither Wilberforce nor Knox are authorities against this Bill. It was important that this should be borne in mind, and that noble Lords should not be induced to believe that, in supporting the Government this night, they were doing that which Knox or Wilberforce would have condemned. My noble Friend (Lord Roden) has endeavoured to produce a strong impression on your Lordships' minds by a relation of some proceedings which are stated to have taken place at Dingle in the county of Kerry, exhibiting the persecution of certain converts from the Roman Catholic faith. I am not here to justify any such proceedings, come from what quarter they may; or to palliate any interference whatever with liberty of conscience. But we are not to take everything for granted which has been communicated to my noble Friend, because we know that there has been given too often a high colouring to such transactions. Besides, the conduct of both sides in periods of great religious excitement is frequently such as to require allowances to be made for the irritated feelings of parties engaged in such transactions. There were some important inferences which might, however, be deduced from this part of the statement of the noble Earl, and which are material as illustrating the more general question now at issue. We have heard much of the supposed disinclination of the Roman Catholics to respect the sanctity of an oath, where the interests of their Church or their religion are involved. But this Dingle case was one in which the religious passions and prejudices of the two opposed sects were the most directly and immediately brought in question. It was a case in which it would appear that the Roman Catholic priests were arrayed on the one side, and the Protestant missionaries and converts on the other. The jury empannelled to try the case was composed of persons of both persuasions. Was there any difficulty found, let me ask—was any disinclination shown by the Roman Catholic jurors to do full justice? No, my Lords. On the contrary, in conformity with the law of the land, they found a verdict which must have been contrary to many of the feelings and prejudices of the Roman Catholics of that remote district. But, as I have ventured to suggest, many of the statements respecting the conduct of the people towards missionaries and converts, require to be considered with more than ordinary closeness of attention. Of this I shall proceed to give you some evidence. Your Lordships will doubtless remember having heard of the missionary proceedings at Achill. We were formerly told as much of the persecution endured by the Protestant converts residing at Achill as we have more recently heard respecting the converts at Dingle. Now, I have learned the following particulars as connected with the former proceedings, and have learned them on the authority of a gentleman, a member of the Irish bar, a relation of my own, who was an eye-witness of the transaction. The case was this. The missionaries had been proceeding in their labours of proselytism, when an individual high in the Roman Catholic Church, whose name is well known, crossed over from the mainland to the island, with the desire of arresting their progress; he landed, attended by his clergy, with all the pomp and ceremonial of his Church. He held a confirmation, and the sacrifice of the Mass was offered

up by the priests. The islanders are described to me to have been assembled at this ceremonial; the ecclesiastical pomp is stated to have been most striking. The Roman Catholics were earnest and devout, when a missionary came forward in the midst of the most sacred solemnities of religion, and held up in the eyes of the people what he told them was a consecrated wafer, asking whether that was the God they worshipped? Under these circumstances, a rush forward was made by the whole multitude; and in what country would not a similar event have taken place? The rush was directed against the missionary who had acted so indiscreetly—to use the mildest language; but whose conduct, in my judgment, deserves to be designated as most bigoted and most intolerant. Violence was threatened by the people; but the Roman Catholic clergy surrounded and defended the missionary. They protected him against the excited multitude, and by their exertions peace was restored and preserved. Now, when proceedings like these could take place as connected with missionary proceedings and establishments, can your Lordships feel surprised that religious violence should be excited on the other side, and that the passions of the people should be dangerously influenced? I venture to assert that the Roman Catholic would be less, and not more than man, if religious excitement did not prevail where such insulting provocation was given.* Noble Lords who argued against this Bill, were pleased to assume that the Protestant feeling of Ireland had pronounced decidedly against it. This I venture most respectfully but firmly to deny. There is a class who claim for themselves exclusively the title of Irish Protestants, and who are opposed to it, I admit. I do not wish to speak of that class with disrespect; but I must say that these exclusive Protestants are usurpers of that title, as they have been of all authority and power at former times of Irish history. In no other instance has their usurpation been more manifest and more indefensible, than in this claim to monopolize for themselves the designation of the Protestants of Ireland. That they are entitled to weight I do not deny; nor do I deny their personal respectability; but I will not recognise them as the legitimate organs or true exponents of the feeling of the majority of Protestants. But, even including this class, your Lordships will find that the petitions from Ireland are far from being numerous. They are, in fact, but few in number, taking all circumstances into the account. Much excitement has been produced which cannot fail to have a certain effect. Even in the present debate, your Lordships have been assured by the noble Earl (Lord Roden) that the Irish Church has been "hardly dealt with." Was this complaint of hard treatment made in reference to the Parliamentary grants for the Irish Church made since the Union? If so, in one sense, I do not controvert the assertion; for there has been a dangerous and lavish profusion in the sums appropriated by Parliament for Irish ecclesiastical purposes, which has increased the dangers of the Protestant Establishment. Are your Lordships aware that since the Union, independently of the charge of vestry cess, probably exceeding half a million, there has been voted a further sum of 595,382*l.* in aid of the Established Church in Ireland? This surely should be remembered when we are told to hesitate before we sanction this small increased grant for Maynooth. Less than 1,000,000*l.* sterling, including local

* In a letter from Lord Monteagle to the Rev. Mr. Nangle, which appeared in the public prints, the following explanation has been subsequently given of this occurrence. "The time at which these proceedings took place was in the summer of 1837. The persons engaged in this most indiscreet, and, as I conceive, most irreverent proceeding, were two missionary scripture readers from Achill. The place was, I find, Clare Island. Whilst these missionary scripture readers were in the island, where they had been engaged in the labour of proselytism, Dr. M'Hale came over from the mainland to hold a confirmation. The confirmation was held — sermons preached — masses celebrated by the priests in their full sacerdotal robes before the whole population of the island—a simple set of people, long unused to the presence of their superior clergy—and wound up to the highest pitch of religious enthusiasm. During the celebration of the mass the two missionary readers came among them with their hats on, and endeavoured to turn the whole religious ceremony into open and undisguised ridicule. This was more than the poor people could bear. They rose like one mass from their knees, and rushed on the scoffers to revenge what they looked on as an insult to their priests and their God; but the officiating priests instantly sprang into the crowd, in their gorgeous dresses, and partly by persuasion, and partly by actual force, rescued the intruders; exhorting the people to leave to God the punishment of their impiety. My informant adds, I was an eye-witness of these facts, so was my servant, and we are both ready to vouch for the truth of this statement."

and general taxation, cannot have been expended by the Imperial Parliament in the purchase, the building, and repairs of churches, glebes, and glebe houses. Even for the purchase of a palace for a former Archbishop of Dublin, 6,400*l.* has been voted; and taking into account other votes connected with the Established Church, such as the Charter Schools, Foundling Hospital, the schools of Kildare-place, and the Association for discountenancing Vice, the sums appropriated since the Union exceed 3,000,000*l.*! This, perhaps, is part of the hard treatment of the Protestant Church of which my noble Friend complains! But, in other respects, I fully admit that we have dealt most hardly with that Church. We have neglected a timely reformation of its abuses. Even now we tolerate the existence of abuses, which, when exposed, it is impossible to defend. I am as much attached to Protestantism as any noble Lord now present; but I assert that you do not give me fair play as a Protestant; on the contrary, I agree with the noble Earl, that you treat me hardly, when you require me to defend large church revenues existing in parishes where there are few or no Protestant parishioners to be instructed. You do not give me fair play, when in other parts of Ireland, where Protestant congregations do exist, you leave the Church inadequately provided for, where there is at once a deficiency of clerical means, and a great demand for clerical instruction. You do not give me or the Protestant Church fair play, whilst all endowments are lavished on the richer class of Christians, and all aid from the State is denied to the poorer. This injustice and inequality is, indeed, our danger. And so long as these abuses and this injustice is continued, we are not giving fair play to the Establishment. But, whilst I am on this subject, I must be permitted to say, in reference to what has fallen from a noble Earl (Lord Hardwicke), one of the household of Her Majesty, in a speech otherwise most able and most excellent, that I, for one, am not disposed to consent to the mode of Roman Catholic endowment which my noble Friend recommends. I would most humbly, but most earnestly, endeavour to impress upon your Lordships' consideration, that, under no probable circumstances, will it be wise, just, or indeed practicable, to endow the Roman Catholic Church, or any Roman Catholic institution on the face of the earth, out of the revenues of the Protestant Church. Such is my deliberate conviction. In making this declaration, I abandon no opinion I have ever stated, or on which I have ever acted. I am willing again, as in 1835 to 1836, to retrench the revenues of the Church, where they are in excess. I am ready to correct all existing ecclesiastical abuses; and there is still much to be done. I am still ready to appropriate any surplus income which may be found to exist, after making adequate provision for the real necessities of the Protestants of Ireland, to purposes in which the Protestants, in common with all their Roman Catholic fellow-subjects, have an equal interest. This was the principle of the celebrated Appropriation Clause. But to leave the church revenues to be contended for between the clergy of the two persuasions; to suggest to the one that nothing can be gained by them but what is wrested from the other, would be the introduction of a new and undying element of civil discord. I, therefore, entreat your Lordships, as you value the safety of your country, as you value the security of property, as you value Christian charity and domestic peace, never to countenance or consent to the endowment of the Roman Catholic Church out of the property of the Protestant Establishment. This, however, is too large a proposition to be lightly disposed of. I have barely and slightly touched upon it. But having heard the speech of my noble Friend, and knowing well the weight that speech must carry with it—being aware, likewise, that similar opinions are entertained by persons for whom I feel the most sincere respect; but, at the same time, considering these opinions to be unwise, dangerous, and impracticable, I cannot refrain from expressing concisely but forcibly, my deep and deliberate convictions on the subject. I have already stated that no practical proposition has been suggested to us by our opponents. The right rev. Prelate, the Bishop of London, who spoke early in the debate, has frankly admitted that he knows not how Ireland is to be governed. This admission was almost rendered unnecessary by the learned Prelate's speech. That speech abundantly proved his self-knowledge in this respect. Indeed, that right rev. Prelate, in construing the oath of ordination of our clergy "to banish and drive away all false doctrine," as placing them in a necessary position of antagonism with the Roman Catholic priesthood and hierarchy, has greatly aggravated the perils of the Irish Church Establishment. If

this is to be the principle avowed and acted upon, either by the civil or ecclesiastical authorities of Ireland, then is our condition in that country hopeless. The adoption of such doctrines, I freely confess, will not furnish the means of governing Ireland, but will rather ensure and perpetuate its future misgovernment. On the other hand, however, and in strong contrast to the right rev. Prelate, the noble Duke who moved this Bill (the Duke of Wellington) has opened to us better prospects. He has truly told us that we should remember the great and all-important fact, too often and too long forgotten, that "there are six millions and a half of Roman Catholics in Ireland, and that we cannot avoid their being Roman Catholics." In this admission there is contained a saving and practical truth, which shows us the principle we ought to take as our guide, and steadily hold by. It is the very opposite principle on which in former times Ireland has been governed. In the time of Swift, the Roman Catholics were termed "hewers of wood and drawers of water," and as no more important than "so many women and children." In 1758, it was proclaimed from the Bench of Justice, "that the law did not presume a Papist to exist within the realm; nor could a Papist breathe without the concurrence of the Government." Such were the wicked and absurd delusions on which the Irish Government had been conducted in former times. These are the very antagonist principles to that now laid down truly and wisely by the noble Duke. But it is not enough that we should recognise the existence of the Irish Catholics; we must be ready to do them full and entire justice. This principle, honestly avowed, must be persevered in, and must be carried out to its legitimate consequences, by the present and by all future Governments. But it seems that we are called upon to reject this Bill on the ground of certain doctrines alleged to be taught at Maynooth in some of the text books of Roman Catholic theology. We are told that there is something in these doctrines which interferes with the allegiance of the Roman Catholics to their Sovereigns. My Lords, it was with amazement that I witnessed the reproduction of these threadbare and often refuted arguments. If they have any real force, they were conclusive against Emancipation in 1829. If you cannot trust to the allegiance of the Roman Catholics, their exclusion from political power was wise and just; their admission to political privilege has been a grievous error. But you disregarded the assertion in 1829, and it cannot influence your Lordships on the present occasion. But I will not rest my argument on this reference to the principles adopted by the Legislature, however conclusive that reference may be. I will go farther: I deny absolutely that there is anything taught at Maynooth that warrants an inference, or even a suggestion, militating against the full, undivided, and affectionate allegiance of the Roman Catholic clergy of Ireland. I am unwilling to weary and to perplex your Lordships by lengthened reference to the evidence taken on this subject in 1826, when the whole Maynooth system was made the subject of the most minute and searching inquiry. In the great Blue Book which is now before me, that evidence is recorded. The president, the vice-president, former and existing professors, Roman Catholic priests, and converts to the Established Church, were examined, and many questions were put in no very friendly or candid spirit. I would, however, most fearlessly appeal to any political opponent, prejudiced as he might be, requesting him to go through this evidence as a juror, conscientiously, and then to declare, not whether he approved or disapproved the doctrines of Maynooth—for I assume that, on religious grounds, he would still condemn them—but whether he could bring himself to believe that there was anything in those doctrines inconsistent with the principles of allegiance. I would ask him further, whether he saw the slightest reason to suspect that Ultramontane doctrines were either professed or taught? Indeed, so far back as February 1817, Sir John Hippesley—no incompetent judge—declared in the House of Commons, after examining the Papers respecting Maynooth moved for by Mr. Ryder, seven years previously, that—

> "Nothing could be more opposed to Transalpine doctrines. The course of education was precisely conformable to the principles of the Gallican Church, and the course of the Sorbonne, where Dr. Delahogue had been himself a Professor. Under the visitatorial powers maintained at Maynooth, it was scarcely possible that the exploded Transalpine doctrines should be suffered to be taught."

The same conclusion is adopted by the Royal Commission in 1826; of which Board, it should be remembered, Mr. Leslie Foster was a member:—

"The doctrines in Dr. Delahogue's book are stated to be in accordance with those of the Sorbonne; and the instruction given in the divinity class generally at Maynooth, we are assured, does not differ materially from that given in the University of Paris."

Dr. Crotty, the President, stated on oath that—

"The distinction between temporal and spiritual things was recognised, and the supremacy of the State in the latter was admitted."—"I do not recollect any Professor," deposes Dr. Montagu, the present head of Maynooth, "who ever taught Ultramontane doctrines. There is not the smallest difference of opinion on this subject."

The Professor of Ethics goes still further:

"The Pope has not any temporal power in this country," he observes. "We hold it quite certain that he has no such authority."

Dr. Anglade, Professor of Moral Theology, who had abandoned all preferment in France rather than take the French revolutionary oath, and who was yet examined by one of the Commissioners as if an oath could not bind his conscience, asserts that

"It would be contrary to the law of God and nature to release subjects from their allegiance, and neither the Church nor any other authority has a power to pronounce anything contrary to God and to nature."

The Prefect of the Senior Divinity Class is equally explicit:—

"If the Pope were to claim a right to interfere indirectly in civil or temporal affairs, I should reject such a decree, and despise such excommunication, and continue in faithful allegiance to my Sovereign; and these sentiments I entertain in common with all intelligent Roman Catholics throughout the world."

If noble Lords will take the trouble of looking through the whole of this most important evidence they will find it in strict consonance with the extracts I have made. They will find that the charges formerly advanced against Maynooth, and now again most recklessly hazarded, were disclaimed in 1826 by every Roman Catholic competent witness who was examined on his oath Every student entering Maynooth is required to swear that he believes no Foreign Prince, Power, or Potentate, to have any civil authority within this realm; or that any ecclesiastical or other authority can dispense from the Oath of Allegiance. The declaration of the Roman Catholic bishops, made in January 1826, renounced all temporal power by the Pope, as interfering with their allegiance; it renounced all dispensing power as releasing from allegiance; it renounced the doctrine that faith was not to be kept with heretics, or that an act immoral in itself would be justified by the commands of the Church. Are any noble Lords prepared to say that Roman Catholics are not to be believed in this, their sworn testimony? What an insult to our Constitution! What a reflection would such a statement cast on the whole of our laws! Does not every page of our Statute Book disprove this calumny as the most groundless and preposterous that ever was advanced? What! when we find King, Lords, and Commons passing laws under which these oaths are administered to Roman Catholics—when we have relied, and still rely, on these oaths as securities against dangers, real or imaginary — are any men bold and daring enough to turn round and to deny that these oaths are considered to be binding on the consciences of those whom we require to take them? I need not refer to any reasoning on this subject: it is decided by the simple fact. Was there ever more conclusive evidence given of a conscientious regard for the obligations of an oath than that given by the Roman Catholics of the Empire, who by an oath, and by an oath alone, were excluded from this and the other House of Parliament, from political office, and from the most valuable civil rights? Never was the veneration felt for an oath more strongly proved — never was it attended with greater sacrifices. I should hold myself greatly to blame, more especially after the very extraordinary speech of a noble Duke (Duke of Manchester), who attributed the crimes and disturbances of Ireland to the Roman Catholic clergy, if I did not, in the most unqualified terms, express my entire difference from him, bearing my willing and unqualified testimony to the character and conduct of a most exemplary and deserving class of men. I can speak of the character of the Roman Catholic priests in many parts of the South of Ireland from my own personal experience. I can speak as one who has lived much in those districts; as one who has not been inactive as a magistrate, and who has known Ireland when tranquil, as well as when unfortunately in a state of disturbance. I speak as one who has had many communications on this subject with my brother magistrates, some of whom are present in your Lordships' House on the present occasion; one of whom, indeed, (Earl of Clare,) is beside me, and to whom I freely appeal in confirmation of my statement. In the

whole course of an experience of more than thirty years as a magistrate, in no one case that has ever come under my observation, have I known or had the slightest reason to suspect a priest of being connected with an instigator, or an approver of any popular outbreak. I do not confine my evidence to the older priests, nor to those who have had a continental education. It equally applies to the younger priests; to those brought up at Maynooth; to priests politically excited, and to priests—I lament to say there are such—who strongly support Repeal. However I differ from the latter class in their political sentiments—and I have never concealed from them this difference—I am ready to affirm that they are ready and anxious to inculcate an obedience to the laws, and as ready to maintain the tranquillity of the country. And, my Lords, this is not always to be done by the Roman Catholic clergy without risk and sacrifice. They risk their popularity, they risk their incomes, they risk their influence, they risk, and I have known them ready to sacrifice their lives. You hear many complaints of denunciations made by the priests from the altars. But those who are the loudest in these complaints, omit to inform you how often the ill-disposed and turbulent who endeavour to introduce illegal oaths and combinations into peaceable parishes, and to seduce the unthinking into violations of the law, have been so denounced. In my own county, I remember the case of a meritorious clergyman, the Rev. Mr. Mulqueny, who having met a body of the disturbers of the peace at night, addressed them in reprobation of their conduct. The consequence was, that he was shot dead on the spot. In discussing the character of the Roman Catholic priesthood, services like these are too seldom remembered. The magistrates of the county of Limerick met, after the frightful assassination I have described, they recognised in their resolution the merits and services of the murdered priest, and they raised a large subscription for aiding in the apprehension and punishment of the guilty. In the county of Clare, in 1832, many of the priests were equally useful and active in repressing those insurgents who were known under the denomination of Terry Alt. In several instances their chapel doors were nailed up by members of their own congregation; and they were refused access to their own altars by parishioners whom they had endeavoured to restrain from crime, and thus to save from punishment. But, in saying all this, and thus doing justice to the deserving, I am far from denying that very many of the priests are highly excited on political matters. Many are vehement advocates of Repeal; I admit the fact, and I grieve to be constrained to do so. This mixture of religion and politics is alike prejudicial to both. But such excitement is produced not by a Maynooth education, but by the general circumstances of the country. The priests are taken from the mass of the people, and whilst that people continue in a state of excitement, is it possible that the clergy chosen from among them should have feelings and tendencies differing from the class to which they belonged? Pacify Ireland, and you pacify the priests; and do not lightly conclude that the priests are not as often the unwilling instruments as the active causes of agitation. I think I may, without much danger to my cause, concede to the noble Lords opposite, that foolish and indiscreet songs may have been sung at Maynooth on St. Patrick's Day. I do not think this will prove very much. For will any one assert that indiscretion may not have taken place at times in our own less social English Universities? We assume to maintain a strict University discipline; there is clearly no Repeal enthusiasm prevailing at Oxford or Cambridge; and yet I should regret to be held responsible for all that may have been either said or sung during my undergraduate life at Trinity College, Cambridge. When I find that one of the arguments used against passing this great and useful measure, is founded on an allegation that, on a certain occasion, a single pupil sung an indiscreet song after dinner in the hall at Maynooth, it does seem to me abundantly manifest, that the charges which can be preferred against the principles taught, or the discipline enforced in that institution, cannot be very numerous or very important. We have been told that the opposition to this Bill throughout Great Britain is formidable. The real question is, whether that opposition is just. But even with respect to its extent, I consider that much misapprehension prevails. Many of the petitions on your Lordships' Table supply no test whatever of the feelings of the country on the immediate question itself. Their opposition is connected with other and collateral questions, which are now forced into an unnatural prominence by transitory causes. A great bulk of these petitions come from Dissenters, advocates of the Voluntary

principle; the men who do not so much object to Maynooth as they object to any establishment at all. Will the right rev. Prelates or the noble Lords who oppose this Bill in this House accept this class of petitioners as allies and associates? Have they any one conceivable principle in common with them, whether an opinion political or religious? My Lords, I grieve to think that the Protestant Dissenters of England should, under any circumstances, have entered into this ill-assorted alliance, or have signed these ill-considered petitions. But I should grieve still more, if they had done so on grounds which savoured of bigotry or intolerance. This would have been most inconsistent and unwise towards the Roman Catholics of Ireland; allow me to add, it would have been most ungrateful likewise. When my noble Friend Lord John Russell introduced and carried his Bill for the Repeal of the Test and Corporation Acts of this country, the Irish Roman Catholics and the Irish Members of Parliament were among its most decided and strenuous supporters. Without their aid this great act of justice and toleration could hardly have been carried. Their aid was the more generous, as they had themselves as Irishmen no local interest in the question; the Test and Corporation Acts of Ireland having been many years before repealed. I therefore grieve that any Protestant Dissenter, in forgetfulness of these services, should, on this occasion, have come forward in contravention of the principles of freedom of conscience which they had ever professed. But so far as the petitioners merely affirm the voluntary principle, I reject them as foreign to our present discussion. There is another class of petitioners which I reject likewise, though on different grounds. I mean the numerous class of Churchmen alarmed at the doctrines not of Maynooth but of Oxford, who dread the *Tracts for the Times* as much as the "*Tractatus de Ecclesiâ*" of Delahogue, or the *Secunda Secundæ* of Aquinas. They feel alarmed at Anglo-Catholicism, and they show their fears by resisting what they consider the more open approaches of Romanism in Ireland. My Lords, I give my most hearty and unqualified support to this Bill, and I return my warmest thanks to Her Majesty's Government for its introduction, and for the firmness and true patriotism with which they have supported it. I shall not allow my recollections of the past to disturb the earnestness and the sincerity of this support. The course taken by the Government entitles them to the deepest gratitude on the part of every Irishman; and as a native of that country, and one deeply interested in its welfare, as one who in the last year advocated this very measure, I offer them my heartfelt acknowledgments, and I do so in the most unqualified manner. It is true, that the course taken by those who were opposed to the Governments of Lords Grey and Melbourne has made the discussion of Irish affairs particularly difficult, and their settlement arduous and critical. National prejudices were then unfortunately engendered which it is difficult to repress and subdue, and which are scarcely compatible with just and impartial legislation. But I quit this which I feel a painful and somewhat invidious line of argument. I prefer the more grateful task of offering acknowledgments where acknowledgments are justly due.

> "Sic Doris amara suam non intermisceat undam."

A better or a more conciliating measure than the present could scarcely have been introduced as a pledge of a generous line of policy. It cannot be traced or even attributed to any motive, but to a wise, generous, and disinterested one on the part of the Government. They could not fail to have anticipated the difficulties to which it would expose them, the disunion it would necessarily produce among their own friends, the personal attacks to which it would render them liable. All this they must have known and disregarded. I therefore repeat my thanks for what they have done, and for the mode in which they have done it. My Lords, this debate and the majority with which it will, I trust, conclude, must tell usefully not only on Maynooth but on the question of Repeal. It will afford a triumphant reply and refutation to any who have argued, that from the Imperial Parliament no measures of justice, of kindness, or generosity towards Ireland are to be expected. The contrary, I believe to be the undeniable fact; but of that fact, this liberal and tolerant Bill furnishes new and most unquestionable evidence. It is a further advance in the path of sound and comprehensive legislation. Whilst the Irish Parliament refused even to the eloquence and patriotism of Grattan all inquiry into the question of tithe, the Parliament of the United Kingdom have wholly freed our occupying peasantry from that odious burden, and have reduced its pressure on all. The Irish Parliament imposed the hateful and

oppressive hearth money and window tax; by the Imperial Parliament those taxes, and all direct taxation, have been absolutely repealed. By Acts of our domestic Legislature, our commerce was shackled by injudicious restraints, miscalled protections; and our agricultural produce was rendered subject to oppressive burdens in the British markets; we now enjoy an unfettered freedom of commerce with the richest markets of the world, and we are admitted to equal rights in all our Colonial possessions. The Irish Parliament passed the Penal Laws against the Catholics, and repealed them slowly, reluctantly, and imperfectly. This Legislature passed the Act of Emancipation, placing all the Queen's subjects upon the same level. Exclusive and Protestant vestries were the work of the Parliament of Ireland; the repeal of church rates, that of the Government of Lord Grey. In the room of jobbing and bigoted corporations, we now see popular municipalities; in place of the charter schools and foundling hospitals, we now profit by the national system of education; the Charitable Bequest Bill of the last year, and the Act for the permanent and enlarged endowment of Maynooth, add to the number of liberal measures passed by the Imperial Parliament for the benefit of Ireland. I entreat your Lordships to increase the glory of this Act by passing it with an overwhelming majority. I call on you to consider well the signs of the times, to act wisely and justly by the people of Ireland, and to prove to them by the readiness with which you not only pass this Bill, but stamp with your approval the great principle it contains, that whatever may be asserted to the contrary, the interests, the rights, the feelings, and the religion of Ireland will be as much respected and regarded by the Imperial Legislature as they had ever been by the Irish Parliament.

The Bishop of *St. David's*: My Lords, I should regret more than I do that I did not offer myself to your Lordships' attention at an earlier hour of the evening, if it were not for one circumstance, which is, that I can answer for myself better than for any one else, and I am conscious that it is my intention to detain your Lordships for as short a time as possible, consistently with a due regard to perspicuity. It is not simply either the importance of this question, or its peculiar nature as connected with the interests of religion, that makes me anxious to address your Lordships. Neither is it because there is not that unanimity which might be desired among the Members of that Bench on which I have the honour to occupy a seat; but there is another consideration much more forcible, and that is, that there never was a question which has come under your Lordships' deliberation, on which it was more difficult or less possible to infer the exact nature of any man's opinions from the vote which he may give. Nor can I be indifferent to the opposition which has been offered from without to this measure. I feel that the nature of that opposition—the ground which it has taken—is such as absolutely prevents me from giving a silent vote on this question. I do not say that in every respect I feel a great respect for that opposition. I do not approve of the manner in which it has been conducted, and I may say, organized. I believe that unfair means have been taken to bias public opinion; and, moreover, although that opposition, as it is represented by the petitions on your Lordships' Table, appears to present a very compact and united front, it is impossible that your Lordships can conceal from yourselves the fact, that this front covers as great a difference of opinion as ever existed with reference to any measure. And this observation applies equally to those who contend for the voluntary principle, as it is called; for that involves, not one, but two principles, namely, the religious voluntary principle, and the political voluntary principle; and those who contend for the one and the other are as wide apart as the poles. Still I am not indifferent to this opposition, because I believe that the petitions which have been presented to your Lordships express the conscientious convictions of a large portion of our fellow countrymen; and I find it impossible to meet those religious convictions with a silent vote. And when I recollect the appeal which was made in such solemn, earnest and energetic language by a noble Earl (Earl Winchilsea) to the Members of this Bench, appealing to their consciences, to their sense of duty, and their most solemn engagements—I say I cannot be content to return, as I am on the point of doing, to live among a people who certainly yield to no part of Her Majesty's subjects in attachment to the Protestant religion and in antipathy to Popery, without endeavouring to meet that appeal, by showing to that noble Earl that the principles on which I am prepared to give my support to this measure, if they are not such as to

convince him—which I fear they may fail in doing—are such as I do not shrink from stating in the face of Parliament and of the country. One of the peculiarities of this question is, that it has been, and still seems to be, a matter of doubt whether any principle is involved in this measure. Permit me to say that I am not very anxious to press that point. I do not desire to extenuate the importance of those features in which this measure may be found to differ from that which has already, and for half a century, received the sanction of the Legislature. It is true I cannot consider the circumstances in which the present grant differs from the former—neither its increased amount nor its permanence, nor the connexion in which the institution is placed with the Government—as constituting anything which involves principle. I can understand that those who objected to the annual grant may object still more strongly to the permanent one. I can conceive, that those who assented to the annual grant may not be satisfied with the policy and wisdom of the present measure; but I cannot conceive how they can dissent from it upon anything that can be called principle. But, nevertheless, I should be sorry if an impression were to go forth to the country, that Parliament has passed this measure because it felt itself bound by anything that had taken place before. I believe there is now presented to your Lordships a fair occasion for reconsidering the principles of that measure; and if it shall appear, on discussion, that you have sufficient reason for changing your policy with regard to it, you are at liberty and are bound to do so. My principal object in offering myself to your Lordships' attention is, to state the principles upon which I support this measure; but I cannot do so until I have cleared the way by removing some of those objections which appear most strongly to have influenced the public mind, or rather by showing why they do not affect my opinions, and why they are not sufficient to prevent me or any of your Lordships from entertaining the present question. There is one objection of a general nature to which I will advert very briefly. It has been frequently assumed that this measure is essentially a sacrifice of principle to expediency, and we have been asked—is it right to do evil that good may come? There can be no question as to that; certainly it is not right to do evil that good may come; but I would wish your Lordships to remember, as often as you see or hear that maxim, that however true it may be in itself, it is totally inapplicable to the present case. It is one that, unfortunately, in this world of ours, is applicable to a very small number of cases indeed; for the cases to which it may be properly applied are only those in which there is unmixed good or unmixed evil, unmixed truth or unmixed error. But if you would make the maxim applicable to the present measure, you must express it in different terms. The question is not, will you do evil that good may come, but will you do no good unless you can do pure and unmixed good?—will you convey no truth, if it be a truth adulterated with the slightest admixture of error. And this is an observation very important to bear in mind, because it applies to almost all the objections that have been raised against this measure; and I believe your Lordships may be able to detect every fallacy that has been urged upon it, when you hear an objection raised, if you ask yourselves whether anything has been proposed as a substitute for that to which the objection is directed. If not, it is the part of wisdom to do what good you can when you are not able to do all the good you could wish. I pass from this general objection to one of a more special nature, which embraces several considerations; but I shall confine myself to some which appear to me of the greatest importance. This measure has been described as a measure that sanctions idolatry and superstition; and more particularly this objection has been raised to it with reference to the terms of that Declaration which is made by the Sovereign of these realms on the occasion of his or her Coronation. On this subject we have been told by a noble Earl (Earl Carnarvon), to whose speech we listened with delight and admiration last night, that idolatry and superstition are very hard terms. But I would beg leave to remind your Lordships that they are not only very hard terms, but also very loose terms—very vague and indefinite terms. They convey a general idea of some kind of religious error, while they suggest certain feelings of contempt and aversion; but they perform the latter portion of their office much more forcibly than the former. In order to convey to your Lordships an

idea of the latitude, the vagueness, and the generality of these terms, I would ask you to call to your recollection the state of religion among the most savage, the most degraded, and the most uncivilized races of men in ancient or modern times. Think of the Fetish worshippers of Africa; of the votaries of Juggernaut; of the islanders of the South Seas. If you wished to describe their forms of worship, could you select any terms more forcible and appropriate than the epithets "idolatrous and superstitious?" And then I would ask your Lordships, if we had now for the first time to frame the Declaration to which I have been alluding, might it not admit of a fair and reasonable doubt whether it would be necessary or expedient, if we wished to put words into the mouth of the Sovereign of these realms testifying his adherence to the Protestant faith, that those words should be such as describe the religion of many millions of his subjects as idolatrous and superstitious? Still I am not objecting to the continuance of these expressions in that Declaration, provided they are taken at their just value; but if they are to be made the foundation of such an extraordinary proposal as we heard at the very opening of this discussion from the noble Duke on the cross benches (the Duke of Newcastle), I must say that it might be time even to reconsider the propriety of retaining such expressions. And in general I conceive, that in public official documents it would be better to avoid language, which, while it conveys no particular, clear, distinct, and intelligible idea, may excite great animosity and bad feeling. I may here observe, that there is a solemnity in our own Church—a yearly commemoration of a great deliverance from, no doubt, a tremendous calamity—which I sincerely hope is never perverted from its proper intention of testifying pious gratitude; but I must say, that as it certainly may be, I am afraid it too often is, abused to other purposes, namely, those of exhibiting and kindling religious animosity. And I consider it as matter of congratulation—and I believe many of your Lordships will concur in the opinion—that we happen to be discussing this question on the 4th of June, and not on the eve of the 5th of November. As I have alluded to the Declaration, allow me to add one word with reference to the Coronation Oath, as to which some scruples have likewise been expressed. My view of the subject is simply this:—I conceive it absurd to suppose that by that oath it could ever have been intended that the Sovereign of these realms should be bound to set himself in opposition to his constitutional advisers, or to the deliberate and unanimous will of the people whom he governs. So far I have been speaking of what superstition and idolatry are; but we are told that this is a measure by which we shall sanction idolatry and superstition. Now we may give such sanction in two ways. We may do so by recognising and acknowledging as truth that which is superstitious and idolatrous, and therefore error. I frankly admit that nothing could justify such a course. In this sense, if it were true that the present measure sanctioned—I will not say idolatry and superstition, but any error whatever, it could not be justified by any considerations of expediency or policy. But I will appeal to your Lordships whether it is possible to conceive that, by making such a grant as this, you are in the slightest degree recognising that to be truth which, on other occasions, you have affirmed to be error? Is it possible to draw such an inference from such a fact? Let me illustrate this by one or two familiar instances. We know that in Ireland it is a very common case for a Protestant landlord to grant a piece of land for the erection of a church for his Roman Catholic tenants. It may be also within your Lordships' knowledge, that in the Protestant kingdom of Saxony, in which the Protestant population forms such an immense majority, the States granted 20,000 dollars to relieve the necessities of the Roman Catholic congregations. Now, would any man in his senses interpret these acts as a recognition of the truth of the doctrines of the Roman Catholic faith? If this supposition be so absurd that it needs only to be stated, it only remains to ask, Do you sanction the Roman Catholic religion in any other way? You may, no doubt, sanction religious error by actually promoting it—by increasing the number of its adherents—by perpetuating it. But this is a question of calculation; it is a question of political foresight; it is a question of contingencies, on which there may be, innocently, a great variety of opinions. It is my own belief and conviction that this measure does not sanction religious error, or a particular form of religious error, in

this way. What I mean to say is, that as by this grant you are not expressing any opinion whatever as to the truth of the Roman Catholic religion, so you are not tending either to strengthen or to extend it. I am now coming to a point still more special, and which your Lordships must all acknowledge to be of the very essence of the question, that is, whether there is any sufficient ground for the Amendment proposed by the noble Earl (Earl Roden) for the appointment of a Select Committee to inquire into the doctrines taught in the College of Maynooth. I must observe, in the first place, that the inquiry proposed by the noble Earl either goes too far, or it does not go far enough. I perfectly agree with my noble and learned Friend (Lord Brougham) and the right rev. Prelate (the Bishop of Cashel), both of whom declared their conviction that this inquiry was unnecessary. But, admitting for a moment that the inquiry was necessary, then, I say, it is not sufficient; if it is to be of any avail, it ought to take a much wider range. If you are to inquire into the teaching at Maynooth with a view to any practical inference, you must ascertain not only what that teaching is at the present moment, but what it was at that period when the professors at this College were notoriously and confessedly loyal to anti-Jacobinism in their principles. But even this would not be sufficient. You must also inquire what are the standard and class books and the whole system of instruction adopted at other Roman Catholic Colleges both in Ireland and in England. And still this will not be enough; but, before you can draw any practical conclusion from such an inquiry, you must ascertain what are the books used in the Roman Catholic Colleges abroad—at Rome, at Lisbon, at Palermo, and any other places to which the Roman Catholic priesthood would resort for education, if you were to abolish the College of Maynooth. But, as I stated, I hold the inquiry to be unnecessary. The right rev. Prelate declared that he does not want a Committee of Inquiry for his own satisfaction; and my noble and learned Friend, with his usual acuteness, proved that it could answer no useful purpose. We are ready to admit all the facts that have been urged on this head against the College; that is to say, we fully admit that the passages which have been collected and quoted from the books used in that institution are to be found in those works; though it must at the same time be remembered, that those passages have been selected, after the most anxious and jealous scrutiny, by persons whose object was to find in those books whatever might tell most strongly against the system of education pursued at the College. But when you have these admissions, how does the case stand? I will not weary your Lordships by entering into any details on this subject; but I do think that flagrant injustice has been done, both to the College and to the Roman Catholic religion in general. From representations we have heard and read on this subject, you would believe it was one part of the system of education pursued at Maynooth, to teach doctrines which have for their direct effect and consequence that of poisoning the very source of domestic morals—of destroying, or at least relaxing, the obligation of an oath—of inculcating fanatical, persecuting, antisocial, antimonarchical, unconstitutional, Ultramontane principles. With regard to the influence of these doctrines on domestic morality, it has been studiously kept out of sight that there is really no difference whatever between the teaching of any books used at Maynooth on this subject and that of the most approved treatises ever produced by any Protestant writer on ethics. I make this statement advisedly, because I know what are the principles inculcated by the Roman Catholic authors who have written on that subject. I know that they will bear the most severe scrutiny; and I have in my hand an extract from a book of the highest authority, a French work, containing directions to confessors, from which I may be allowed to read one sentence, which will enable you to judge how far the principles there inculcated are dangerous to morality. I have only the original before me, but I pledge myself to the substantial accuracy of the version I am about to give; it is:—"It would be impossible to use too much reserve in interrogations relating to the subject of purity;" that is, to subjects connected with a breach of the seventh commandment: "especially when there is danger of losing greater benefit than the material completeness of confession;" upon which, as your Lordships are well aware, the greatest stress is laid, according to the principles of the Roman Catholic Church. "Now," this writer proceeds, "not to teach evil to those who are ignorant of it,

and not to excite passions where they are dormant, is a far greater good than the material completeness of confession." I think that is a very important passage, as proving what I apprehend to be the real principles of the Roman Catholic Church upon this subject; and then, wherein lies the difference between what Roman Catholic writers and Protestant writers might say upon it? Why, simply in the details of the application of these principles; and as to that, no doubt there might be a great difference between one writer and another, even among Protestants, as to what is discreet and judicious, or inexpedient and unsafe; but that is no question of principle. But let your Lordships apply a practical test to these doctrines. How do they work in practice? It has been entirely kept out of view, that if there is one fact connected with this subject more certain than another, it is that whether these doctrines are good or bad in themselves, they are, as far as we can judge from the state of the morals of those who would be affected by them, practically innocent, at least, if not salutary; because with regard to purity, I apprehend the morals of the Roman Catholics of the lower orders in Ireland will bear a comparison with those of any other part of the United Kingdom. I will only detain your Lordships with one sentence as to the supposed danger of the doctrines taught at Maynooth, with regard to the sanctity and obligation of an oath. Upon that subject, although it must be admitted that there are propositions extracted from Roman Catholic writers that are very offensive, not only to Protestant ears, but, in my belief, to the ears and understanding of any man of sound judgment; yet, if you inquire what has been the occasion and origin of them, you will find there is not any disagreement in principle between those Roman Catholic writers and any Protestant moralist, but simply that there has been on the part of the Roman Catholic doctors an overstrained anxiety to provide certain definite rules for every particular case that could occur; and wherever such a thing is attempted, I believe it will always be found that it has led the writer into a variety of erroneous and dangerous doctrines. But when applied to practice, I would ask, what has been the influence of such works upon the state of morals in this respect? Do any of your Lordships believe that the Roman Catholic is less sensible than a Protestant of the sanctity of an oath? He may believe that there exists a dispensing power, while we believe that no such power exists; but if he is a man of honour, will he appeal to that power of dispensation? It is of that we ought to have had evidence, which is totally wanting. There is still one other point to which I wish briefly to advert with regard to this part of the subject. The chief accusation raised against the works used for instruction at Maynooth has been, that they inculcate dangerous political principles in this respect; that they admit the extravagant Ultramontane doctrines with regard to the spiritual supremacy of the Pope; that they exalt the spiritual beyond the civil power in an extravagant degree. I admit that such principles are asserted in these works, and I am not prepared to say that we have had any evidence to prove that such principles have not been taught at Maynooth. It appears to me a questionable point whether it is the Ultramontane or the Gallican doctrine upon this head that has been inculcated there; but I will suppose, for argument's sake, that they are Ultramontane, most extravagant doctrines, that have been taught with regard to the Papal supremacy; and when that is urged as a ground of alarm, I would say that it is one of the most chimerical and visionary that was ever presented to the human mind. It has been observed, with regard to the Papal power, that the state of things in the world has undergone a very great change; but I do not think it has yet been sufficiently noticed what the particular nature of that change has been in regard to the present subject and to the state of Ireland. I will venture to assert, that, so far from their being any reason to apprehend danger from the existence of the Papal power, supposing it were strengthened by the writings to which I have alluded, we have, in a political point of view, every reason to wish that the Pope had far greater influence in Ireland than he really has. There was a time, not very distant, when the state of things was very different; when we had great reason to dread the Papal influence in that country, because the Pope at that time might be considered as the head of a conspiracy formed by the despotic Governments of Europe against the liberties of this country. But the state of things has changed in that respect. I admit that the maxims of the Papacy remain precisely the same. I do not believe that the Pope has ever recalled

one of the most extravagant pretensions put forth by any of his predecessors in regard to his authority in spiritual matters. But be it observed, that the Pope is not merely the head of the Roman Catholic Church, but he is also a temporal Sovereign; that he rules a State, which, by its constitution, is subject to despotic authority, that he is surrounded by political enemies assailing his throne on democratical principles. The Pope is the natural ally of every despotic and absolute Government: he is not the ally of Espartero, but of Don Carlos; he has no sympathy with Louis Philippe, but with the exiled Bourbons; he was not the ally of the Sovereign of this country, but of the exiled Pretender; and upon precisely the same grounds. Therefore, I say, that so far from there being any real sympathy or alliance between the Pope and the Irish agitators, there is, and always must be, the widest variance, and the greatest jealousy and distrust between them. The Pope is well aware that this Irish agitation proceeds from parties who entertain precisely the same principles as those entertained by the democratical parties from whom he dreads the greatest danger to his temporal authority at home. There never can be, therefore, any cordial alliance between them; and I will never believe, however he may be obliged to profess a feeling of attachment toward those who are the adherents of his religion, that he can really wish well to the cause of Repeal in Ireland. But with regard to this whole subject, I will dismiss it with one general remark: you ought not to judge of the doctrines taught at Maynooth by the books that are used there. You never can safely draw such inferences from such premises. The doctrines taught do not depend on the words or propositions contained in the books, but on the spirit and disposition of the teachers; and upon what will that spirit and disposition depend? Upon the feeling that generally prevails amongst the great body of Roman Catholics in that country. And upon what will the feeling of that body depend? Surely not upon the character of the doctrines contained in the books; but upon the state of the country, and upon the reason they may have to be satisfied with their condition. Whenever you have brought about such a state of things as will render the Irish people happy and contented, I will venture to say that you will hear nothing more of agitation among the Roman Catholic priests; for I believe, by the natural and necessary tendency of his religion, there is no minister of any creed so much disposed to preserve order, quiet, and submission to authority, as the Roman Catholic priest. I believe that is a proposition which will be borne out by the testimony of all history. I will say no more upon this head; what I have stated is, I think, sufficient at least to clear away the principal objections urged with a view to prevent us from entertaining this measure without previous inquiry; and I will now proceed to assign the reasons upon which I give my assent to this measure. Let me, however, be allowed to premise one remark. Attempts have been made to alarm your Lordships and the country by the suggestion, that in passing this measure you will be committing a great national sin, and incurring a great national danger. But those who have raised that objection have betrayed a great want of sensibility, a marvellous apathy or forgetfulness, with regard to another kind of national sin and national danger, which we should feel to be a much greater burden on our conscience; I mean, the guilt, the deep guilt, which has been contracted, and which cannot be immediately effaced, of that iniquitous and oppressive government by which, for so many centuries, we ruled the Irish people. That, I say, is the sin that ought to weigh upon our national conscience; and the danger is, that for such sin and such guilt we may expect the punishment of a retributive Providence, unless we show signs of repentance, and give proofs of a sincere resolution of amendment. I will now succinctly state the reasons upon which I support this measure. In the first place, I say that, in its avowed object, its notorious origin, and it sevident intention, it is, as it was described by the illustrious Prince (the Duke of Cambridge) whose connexion with the Throne of England gives a peculiar weight and importance to his sentiments on this question, a conciliatory—a most conciliatory measure. That is a fact so clear that no power of sophistry can disguise it. It is conciliatory, because it cannot be pretended that it was either extorted by fear, or was the effect of any selfish, interested view; and if your Lordships want any proof of that proposition, you have it lying on your Table, in the memorial by which that which you are now desired to grant is solicited by the Trustees of Maynooth as a boon, necessary not only for comfort, but

for the existence of the establishment as an institution. If, after having received that memorial, the Government had turned a deaf ear to that prayer, and had shown itself unmoved by those statements; or if it had said to the Trustees—"Depart in peace; be ye warmed and filled," but had done none of those things which were necessary to that end—such conduct might, perhaps, have been consistent with the letter of toleration; but, as the noble Duke (Duke of Wellington) said, it would have betrayed the spirit of persecution. In the next place, I regard this measure with approbation, not only as conciliatory in itself, but because I look upon it as part of a system—of a large and liberal course of policy, which I believe to be absolutely necessary to the tranquillity and safety of this country. That system and course of policy I consider as the only basis on which such an Empire as ours can stand. If you take any narrower basis for such an Empire, you would be contending against the laws of nature and the decrees of Providence, and would be engaging in an impotent, and, as I must consider it, an impious struggle. But not only would you engage in such a struggle; but if you refuse to adopt this course of policy, you cannot rest where you are, but must undo what you have already done. You are now invited to place the Roman Catholic clergy of Ireland on the same footing on which you have placed the Roman Catholic clergy already in your foreign dependencies. If you think adherence to principle prevents your agreeing to the present grant, you cannot consistently retain the course you now adopt with regard to the Colonies. Still, I shall be told that, after all, this is merely a consideration of expediency; that it may be true that, to our limited foresight, this course does appear to be politic; but that you are to regulate your conduct, not by expediency, but by principle. That I willingly admit; and this brings me to the third ground on which I give my support to this measure, namely, that I consider it as the fulfilment of a great and solemn duty. It is the fulfilment of an obligation which I conceive we contracted when we assumed the dominion of Ireland, namely, that we would give to that country the same amount of benefit as it would have received from an independent domestic Legislature really representing the wants, the feelings, and the wishes of the Irish people, with the single exception and qualification of excluding anything which would tend to the disruption of the Union and the dismemberment of the Empire. That is a proposition which I believe will bear the closest examination; it is true, no such contract appears in any written records; but it is registered in a higher tribunal, and is one which we may break, but which we cannot rescind. I have said that this measure, considered in itself and as part of a system of policy, is a conciliatory measure; but I am aware it has been asked this evening and on other occasions, where are the signs of the conciliation which it is intended to produce? If it is conciliatory, why has it not conciliated? It may be true, I admit, that the measure has hitherto operated but imperfectly to that end; but what are the reasons that it has not been more effectual? One is, because the bitter and sad effects of centuries of misrule cannot be immediately and instantaneously erased; because we are now paying the penalty of our past offences. There, is, however, another cause, for which neither your Lordships nor your ancestors, but those who have opposed the present measure, have to answer; it is this, that they, by their opposition, have to a great degree neutralized the effect of this measure, and prevented it from yielding its natural fruits; and then, when they have done that, they turn round upon us, and use the results of their own conduct as an argument against the measure. Now, my Lords, I deeply regret that opposition and its effects; but still it does admit of a remedy. But if your Lordships should be persuaded to add the weight and stamp of your legislative wisdom and authority to that opposition, then, I say, the consequences would probably be irremediably fatal. At any rate, your Lordships must beware of measuring the exasperation which would arise from a rejection of this grant, by the amount of conciliation that the offer of it has produced. I have now only to draw your Lordships' attention to one other part of the subject—to the consequences of the measure. There are some which have been represented by its opponents as grounds of alarm, and others which I consider as highly desirable. Much opposition has been founded on the anticipation of the ulterior consequences of the measure. Apprehensions have been expressed that it will lead to other measures of a similar kind—in a word, to the endowment of the Roman Catholic clergy; and it has been said, that if it

is meant to be final, it must be futile. Now, that is a question into which I do not feel called upon to enter any further than to say, that we are not at all certain that such an endowment, if offered, will be accepted by the Roman Catholic clergy; but whatever I may think of the propriety of such an endowment, and even however much I might deprecate it, I should regard it as a most auspicious omen for the tranquillity of Ireland, if I were sure that the Roman Catholic clergy and people of that country were willing to accept it, if it were offered to them. I am aware that the endowment of the Roman Catholic religion in Ireland has been denounced by two right rev. Prelates in strong terms. One, whom I regret not to see in his place (the Bishop of London), considered such an endowment as nearly equivalent to the rejection of the only principle which justified the endowment of any Church. Another right rev. Prelate (the Bishop of Cashel) went still further. He expressed himself to the effect, that such an endowment could only be the offspring of infidelity. I must own I think it would not have been superfluous to have offered some proof in support of that assertion, which to me appears to be directly opposed both to reason and experience. I cannot admit that a statesman is liable to the charge of infidelity, indifferentism, or latitudinarianism, or by whatever other bad name it may be called, on the ground, that after solemnly considering the matter, he has come, upon deliberate reflection, to the conclusion that it would be better for the interests of the State, that the ministers of any particular religion should have a fixed subsistence given them by the State, rather than be left dependent on the humours of their congregations, according to the voluntary system. I consider that as a question in which religion has no concern at all. My Lords, there was one passage in the speech of the right rev. Prelate who addressed you on the first night of this debate (the Bishop of Cashel) which I heard with much pleasure; it was that in which he quoted from the writings of a person whose memory I, in common, I am persuaded, with most of your Lordships, hold in the highest esteem, and reverence, I mean the late Dr. Arnold. The right rev. Prelate read an extract from a letter of Dr. Arnold, in which he spoke in terms of strong disgust of practices which he had witnessed in Roman Catholic countries. I heard that with pleasure, because it proved that the right rev. Prelate has already formed some acquaintance with the works of that excellent man, and because it induces me to hope, that he will make himself still more conversant with them. And, by way of encouraging the right rev. Prelate in the prosecution of his studies, I am tempted to read an extract from another letter of Dr. Arnold, which relates more immediately to the present subject. Dr. Arnold writes:—

"The good Protestants and bad Christians have talked nonsense, and worse than nonsense, so long about Popery, and the Beast, and Antichrist, that the simple, just, Christian measure of establishing the Roman Catholic Church in three-fifths of Ireland seems renounced by common consent. The Christian people of Ireland, *i. e.* in my sense of the word, the Church of Ireland, have a right to have the full benefit of their church property, which now they cannot have, because Protestant clergymen they will not listen to. I think, then, it ought to furnish them with Catholic clergymen and the general local separation of the Catholic and Protestant districts would render this as easy to effect in Ireland as it was in Switzerland."

Now, my Lords, I quote these words only to show that a man so truly Christian as Dr. Arnold, one to whom the right rev. Prelate himself has appealed as an authority for his own purpose, held that very doctrine which the right rev. Prelate has denounced as inconsistent with religious principle. I am aware, however, that it may be said, that though Dr. Arnold is a high authority, still he is no example. My Lords, to what example shall I refer? Will your Lordships remember the name of the eminent statesman who is now at the head of the French Government? Will you think of that illustrious individual who has just quitted our shores after having accomplished a most important and laborious mission, tending, I hope, to establish a permanent friendly relation between France and this country? Will your Lordships recollect the name and character of another eminent individual, the representative of a great German sovereign in this country, a person whom I myself have the great honour and happiness of being able to call my friend, and whom I have had the pleasure of knowing for a long series of years? I remind you of these three distinguished statesmen, simply in order to ask your Lordships whether there is any one of them who can be suspected of a leaning to infidelity?—whether it be not notori-

ous with regard to all three, that they are as zealously attached to their respective creeds as any person in this House? — whether that is not a fact which is notorious to all Europe, as well as among those who have the honour and happiness of their personal acquaintance? And, my Lords, I would ask you whether there are any statesmen who are more attached to that very system which has been denounced as irreligious, and as bordering on infidelity, by the right rev. Prelate? Having thus adverted to the consequences which have been apprehended as likely to ensue from this measure, I turn to others of an opposite nature, to which I look forward with hope; to the benefits which may be expected to flow from it. Now, among these desirable consequences there are some which I regard as direct, immediate, and indisputable. I am not disposed to exaggerate the importance of these consequences. I do indeed apprehend that it will be the inevitable result of this grant, that the manners of the students in the College of Maynooth will be, to a considerable degree, improved; that their tone will be raised; that their minds will be cultivated and enlarged; and that they will be familiarized with the comforts and decencies of life; and these, no doubt, are no inconsiderable advantages. But, my Lords, there are other consequences, of a different kind and of much higher importance, which I anticipate from this measure. A right rev. Prelate (the Bishop of London) observed, that even one of the most distinguished advocates of this measure in another place disclaimed the idea of its producing any benefit as regards the Protestant religion in Ireland. I am aware that such language was used. The right hon. Gentleman to whom this allusion was made did certainly say, that it was an argument nothing short of ridiculous, to contend that such a measure as this would operate to strengthen the Protestant religion in Ireland. But, my Lords, I suspect that that right hon. Gentleman's opinion is misrepresented, when it is alleged that he admitted that no benefit at all was likely to result to the Protestant religion from this measure. I understand him only to have denied that its direct and immediate effect would be to produce benefit to that religion, and on that point I myself am certainly with him. But I do at the same time conceive, and I am not at all sure that he would not agree with me, that in another point of view, it is highly probable, nay, I might almost say, absolutely certain, that benefit to the cause of the Protestant religion will flow from this measure. I say, my Lords, that just in proportion as this measure tends to sooth, pacify and conciliate the Irish people, will it produce a great, though possibly a remote benefit to the Protestant religion in that country. It will tend to remove one of the great barriers which now obstruct the physical prosperity of Ireland, to promote the general diffusion of knowledge in that country, and to mitigate the intensity of religious rancour and animosity; and if it produce these effects, there is another which cannot fail to ensue, namely, that it will prepare the way for the reception of a purer form of religion. And therefore, my Lords, I say it is no ridiculous or extravagant proposition to hold, that in adopting this measure, you are consulting both the temporal and the spiritual interests of Ireland, and promoting the real welfare of the Protestant religion; and it is in the name of that religion, as well as for the sake of the safety and tranquillity of the State, that I entreat your Lordships to give your assent to this measure. Your main object is to establish a real and solid union between the two countries; and if you keep that object steadily in view, you will, I believe, most effectually provide for the interests of religion also. But beware, my Lords, that you do not begin at the wrong end, and, while you are grasping at something which is not attainable, lose that which is within your reach. Many eyes, my Lords, are fixed on the unexampled greatness of this country with feelings of jealousy and envy, and there are many who are eagerly watching the state of Ireland, in the hope that through that country the prosperity and safety of this may receive some fatal blow. I trust that such hopes will never be realized. I cannot contemplate the possibility of their realization, either as a citizen or as a Christian, with anything but the most serious apprehension. But still, if such a catastrophe should ensue, either from external force or from intestine discord, it might be accompanied with the consolation of thinking that we ourselves had not produced it, but that it was owing to causes which it was not in the power of the Legislature to provide against or remove. Far different would be the case if we were to sacrifice the safety of this great Empire to sectarian animosity. The catastrophe would then be at once tragical and

ignominious, and would leave us without anything to console us under the stroke. I cannot conclude without expressing my gratitude to your Lordships for the attention with which you have indulged me; and I feel that I ought to apologize for the length at which I have detained you. But, my Lords, highly as I value the privilege of addressing you, if this were the last act of my public life, I should perform it with the conviction, that no occasion could ever arise on which I could take a course more conducive to the public good, more consistent with my duty in every relation in which I am placed, and more satisfactory to the dictates of my conscience.

The Earl of *Charleville* said, he rose to address their Lordships under a deep sense of the solemn and awful nature of the duty which was imposed upon him. Deeply ungrateful should he be, connected with a numerous Roman Catholic community, surrounded by a large body of Roman Catholic friends and relations, if in the discharge of this painful and solemn duty, he were guilty of going further than was absolutely necessary. The right rev. Prelate had spoken of the respect paid to oaths by laymen of the Roman Catholic Church. That was a subject to which he could have wished to avoid alluding: but, as the right rev. Prelate had himself introduced the topic, he would read to their Lordships the oath put to the former Lord Mayor of Dublin, and then appeal to them whether a Protestant, taking it without mental reservation, would have adopted the course afterwards pursued by the learned individual to whom he had referred. The oath was—

"I do hereby, disclaim, disavow, and solemnly abjure any intention to subvert the Protestant Church Establishment as settled by law within this realm; and I do solemnly protest, testify, and declare, that I make this declaration, and every part thereof, in the plain and ordinary sense of the words, without any evasion, equivocation, or mental reservation whatsoever, so help me God."

That was the oath taken by Mr. O'Connell when he became Lord Mayor of Dublin on the 31st of October, 1841. On the 7th of April, 1842, at a meeting of the Repeal Association, Mr. O'Connell proposed a resolution commencing as follows:—

"*Resolved*—That the leading practical objects of the Loyal National Repeal Association during the current year are declared to be, and shall be—first, the total abolition of the tithe-rent charge, subject only to vested interests, but to be totally abrogated from the Statute Book, as being a badge of the servitude and a token of the slavery of the Irish people."

He believed the explanation given was, that money was not religion—that money was not the Church. [*Laughter.*] Noble Lords might laugh, but he could assure them that such was the explanation given by the learned Gentleman himself; and he would leave them to say how far it agreed with the oath taken by him. For himself, he looked upon tithes as a part of the Church established by law. With respect to the principle of this Bill, it was contended that the preamble of the Act of 1795 stated that it was for the institution, maintenance, and endowment of the College by the State. Now, the preamble distinctly stated the object of the Act passed to be, to remove disabilities, pains, and penalties affecting the Roman Catholics. The next portion of the preamble related to the appointment of trustees; and, lastly, it proceeded to say, that they should be enabled to establish, maintain, and endow the College of Maynooth; but it was evidently intended that this should be done by the Roman Catholics themselves. But, by an unfortunate omission they were not enabled to do so. Had tha not been the case, their Lordships would now have been spared the painful necessity of discussing the present measure. He could assure their Lordships it was with extreme pain he performed the duty now imposed on him. They had heard a great deal as to the doctrines taught at Maynooth. The noble Baron opposite (Lord Beaumont) had expressed a strong and decided opinion that the doctrines said to be inculcated in that College were not taught there; and if they were, they were opposed to his opinions. He thought that a ground for calling for inquiry. In order that the noble Lord's mind should be satisfied, he ought to be the first and most anxious to call for a Committee to establish that point. The noble Baron said that the Opposition, as he was pleased to call his section of the House, could not be serious in moving for a Committee of Inquiry. He thought that many of the speeches which they had heard proved the necessity of a Committee, in order to adduce further information on this subject. He thought the objects of that Committee were very much simplified by the speech of the noble and

learned Lord who spoke last night (Lord Brougham). That noble Lord admitted the correctness of many quotations from Maldonatus and others; but he said such doctrines were now a dead letter, and that such writings of reverend fathers were like the expurgated editions of the classics taught at our schools. The question was, were those doctrines inculcated at the present day, or did the class books of Maynooth teach a different system? The latest published authority was the canon law, published by order of the Pope, in 1839, in which it was said—

"Oaths of allegiance taken by ecclesiastics are illicit and void. Ecclesiastics not having temporalities from laics are not bound to take oaths of allegiance to them. Certainly laics strive to usurp too much on the divine right, when they compel ecclesiastics to take oaths of allegiance. But since, according to the Apostle, every one stands or falls to his own master, we prohibit such ecclesiastic from any such violence. We declare that you are not bound by your oath of allegiance to your Prince, but that you may resist freely even your Prince himself in defence of the rights and honours of the Church, and even of your own private advantage. The kingly power is not superior to the pontifical, but is subject to it, and is bound to obey it. We declare, affirm, and define that submission to the Roman Pontiff is necessary to salvation."—Decretal, Gregory IX, lib. 11, tit. xxiv., cap. 30, p. 350.

This, he apprehended, was sufficient evidence that the Ultramontane doctrines were entertained at Maynooth, that seminary being under the control of Jesuits. The noble Lord seemed to rely on the evidence of Dr. Kenny. Now, it was well known that Dr. Kenny was examined as to the doctrines taught at Maynooth. He was first asked whether the Ultramontane or the Gallican doctrines were taught at Maynooth. After some difficulty in arriving at a direct answer, he said the principles taught at Maynooth were those taught at the college at which he was educated. Being asked where that was, he replied Palermo, which he admitted was a Jesuit College, and that he was himself a Jesuit—in fact, that he was the superior of the order of Jesuits in Ireland. This was the gentleman made Vice President of Maynooth by Dr. Murray, who expressed the extreme satisfaction he felt at being able to procure so able and accomplished a gentleman (as no doubt, most Jesuits were) to superintend the education at Maynooth. Dr. Kenny left Maynooth to be made head of the Jesuit College of Clongowes, but he occasionally assisted at the rituals in Maynooth. Dr. Kenny acknowledged that he admitted, while at Maynooth, 200 pupils into the "Sodality of the Sacred Heart of Jesus," which was the first step to becoming Jesuits. He would refer them to the speech of the noble Duke, delivered on the 2nd of April, 1829, upon the subject of the policy of Monastic Institutions. He then said—

"Large monastic establishments have been regularly formed, not only in Ireland but also in this country. The measure which I now propose for your Lordships' adoption will prevent the increase of such establishments, and, without oppression to any individuals, without injury to any body of men, will gradually put an end to those which have already been formed. There is no man more convinced than I am of the absolute necessity of carrying into execution that part of the present measure which has for its object the extinction of monastic orders in this country. I entertain no doubt whatever that if that part of the measure be not carried into execution, your Lordships will very soon see this country and Ireland inundated by Jesuits and regular monastic clergy."*

A difficulty arose in his mind how—while the Act of 1829 remained unrepealed—the Government could persist in refusing a Committee to inquire into whether those persons who were students at Maynooth had been admitted into the "Sodality of the Sacred Heart"—the first step in the order of Jesuistry. Now he would be allowed to call the attention of the House to the law as it stood relating to Jesuits. By the Emancipation Act it was provided that—

"In case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or brother or member of any such religious order, community, or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor; and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life."

If, then, he could prove that the pupils at Maynooth had been so admitted to the Order of Jesuits, he did put it to them how the Government could refuse to grant them a Committee, when the persons receiving these benefits were liable to the punishment of transportation for having taken the vows, and having been admitted

* Hansard's Debates (New Series), Vol. xxi. p. 56.

into the Sodality of the Sacred Heart? Under these circumstances he could not but oppose the Bill; and the more so, as he did not believe that the Roman Catholics of Ireland attached any great importance to it. The noble Lord the late Secretary for Ireland had stated that great benefits would probably result from the system of College inspection; but he did not think that that inspection would be productive of any good results so long as it was not proposed to interfere with the doctrines or discipline of the Catholic Church. His noble Friend behind him had said that the Church of Rome in Ireland should be raised to a level with the Protestant Church; but there was, he thought, great difficulty in accomplishing that object. If they attempted to do it by endowment, did they suppose they would be successful—did they imagine they would give contentment to the people, or reconcile the clergy of the Church of Rome to the Government of this country? Or did they suppose the Government would derive any additional aid from their support? Dr. Soherer, a French Protestant minister of the Reformed Church in France, in speaking of the present state of the Reformed Church in France, said, in reference to the effects of the connexion of the State with religion, both as respected the Protestant and the Roman Catholic Churches—

"Our legal constitution, by overthrowing the substance of our organization, has not ruined institutions only, but the doctrine of our Reformed Church. Unhappily this is not all—the bearing of this fact is not limited to the ruin of a religious society, but extends to the ecclesiastical forms of French Protestantism in the most general sense; and even to the destinies of Christianity amongst us. The equality of rights granted to error and to truth by the salary, becomes from the very nature of things a decisive privilege accorded to error. Yes, the legal salary, when it is, as with us, independent of every dogmatical guarantee, of all religious control, establishes an absolute equality of the rights of truth and of error for religious instruction; and this equality is at bottom a true inequality to the profit of error."

He thought it was hopeless therefore to contemplate such a measure as that now before them as a measure of peace; and considering that there was no benefit to be hoped for from it, and nothing but injury to religion and increased animosity, they had a right to know what really were the intentions of the Government, and whether they intended to make any further proposals, founded on the same principle, beyond the present measure? He wished to refer to a speech made by the noble Duke who had moved the second reading of this Bill, at the period of the passing of the Catholic Emancipation Bill. On the 2nd of April, 1829, the noble Duke said—

"There is no doubt, that, after this measure shall be adopted, the Roman Catholics can have no separate interest, as a separate sect. * * * For my own part, I will state, that if I am disappointed in the hopes which I entertain, that tranquillity will result from this measure, I shall have no scruple in coming down and laying before Parliament the state of the case, and calling upon Parliament to enable Government to meet whatever danger may arise."*

He wished the noble Duke, before proposing this measure, had shown that tranquillity had been established in Ireland; but so far from that, he had admitted that within a day or two of the passing of that Act, a fresh topic of excitement had arisen, which had continued with some intermission up to the present time. He regretted that the noble Duke had not thought it necessary to direct their attention to what was stated in the Irish papers, received on Monday, to have occurred last week only. He had received two letters from Dublin, describing the state of that city on Friday last. One of these was from an Orangeman; the other from a person who had been once favourable to emancipation, but circumstances had since changed his opinion. These letters described an army of 30,000 men marching through the city, all the ships bearing their flags, and every appearance indicative of a national jubilee. One of the writers said, it reminded him of the marshalling of the popular forces in the Champ de Mars, previous to the horrors of the French Revolution. The papers that arrived from Dublin that day, and the *Nation*, proclaimed this extraordinary scene. It was wonderful that the Members of the Cabinet should not have thought it worth their while to have looked at this matter. It excited in his mind the greatest suprise. Let them look to the oath that had been taken at the Conciliation, and then say if they could, that Repeal was at an end. From his

* Hansard's Debates (New Series), Vol. xxi. pp. 57, 58.

knowledge of Ireland, he affirmed that any one who said so, would be under a great mistake.

The Marquess of *Clanricarde* called on the noble Lord to read the oath.

The Earl of *Charleville* here read a statement, in which it was declared that the undersigned solemnly pledged themselves never to desist in seeking for a Repeal of the Union, by all peaceable, moral, and constitutional means. He thought that the Government ought, and that the Government would have taken other steps tending to secure the peace and tranquillity of Ireland. He knew that it must be a matter of indifference to the Government to lose his confidence and support. It was to them but the loss of one vote. It was but one among the many; and he was sure that their opponents would give to the Government a victory over those who assisted in placing them in office. He regretted this for the sake of the peace and tranquillity of Ireland.

Lord *Stanley*: Whatever regret he or other Members of the Government might feel—and he could assure the noble Earl who had last spoken that that regret would be most sincere—at losing his confidence and support, yet the prospect of losing the support of the noble Earl, or of others of those by whom, as he had reminded them, they had been called to power, would not so far weigh on their minds as to induce them to give the greatest proof that they were unworthy of the confidence once reposed in them, by sacrificing even to the respect and deference which they (the Government) owed to their opinion, the still higher duty which they owed in their responsibility to their country and their God, as the Ministers of this great country, for discharging those functions with which they had been entrusted in that manner, which conscientiously they believed to be the best and the most likely to tend to the welfare and prosperity of this great Empire. He knew not what were the measures to which the noble Earl referred, which he supposed the Government should have interrupted in Ireland. The noble Earl had gratuitously supposed that the Department of the Government to which the peace of the country was more especially entrusted, had not the earliest intimation of what had taken place—had not the earliest intimation of what was likely to take place in Dublin—had not taken such precautions as were necessary for preserving the public peace, or was not careful to watch whether there were or were not in these proceedings any violation of the law of the land. The proceedings to which the noble Earl referred had taken place; and if the result was that on an occasion when, to celebrate the anniversary of a conviction that was subsequently set aside by the judgment of this House on technical points of law, and to testify their opinion of the merits of Mr. O'Connell, a very large portion of the population of Dublin went to pay their respects to him, and express their opinion of his merits; and if a much larger proportion of the population of Dublin, as the noble Earl had stated, decked their boats and ships with flags, and proceeded to make holiday, and to see the show and the procession—if all this took place, and if yet there was no interruption of the public peace, no violation of the law of the land—if in the opinion of the officers of the law there was nothing of the proceedings of that day which made any man amenable to the law, or subjected him to the penalties of the law—he humbly thought that in such a case it was a sufficient discharge of the duty of the Government to have watched that there was no such interruption of the public peace, and that they had not failed in their duty, if on such an occasion they had refrained from coming forward to the Legislature and asking for that which should be the last and ultimate resort—namely, the application of power beyond the law and above the law. He could not say that the greater part of the noble Earl's speech was peculiarly applicable to the subject in hand, nor did he understand what connexion the noble Earl established in his own mind between the proceedings which took place the other day in Dublin, and the introduction of this Bill for the purpose of placing on a more satisfactory footing the provision which Parliament had now for fifty years made for the endowment of the Roman Catholic College of Maynooth. Before the noble Earl rose, he (Lord Stanley) certainly thought, in common with other noble Lords, that noble Lords were not very serious in proposing or supporting the Amendment; and he must confess, if he thought so before, the noble Earl's reasons for supporting the Amendment had not satisfied him that he was mistaken. The noble Earl who com-

menced the discussion on the Amendment, stated distinctly, that in bringing it forward, he did not move for an inquiry into the doctrines taught at the College of Maynooth, with the smallest idea that the result of that inquiry would in one way or other affect his own vote or decision. He frankly avowed that his object in proposing that Amendment was not inquiry—that his object was, in fact, to stop the measure, and, if possible, to defeat it. What was the reason that was produced by the noble Earl who had just sat down for supporting the Amendment of his noble Friend? The noble Earl said he would vote for the Amendment—that he would vote for an inquiry into the character of the College of Maynooth—for an inquiry into its conduct, its doctrine, and its discipline. Why? Because he was able to prove that, since the passing of the Relief Act of 1829, certain young men connected with Maynooth had been admitted into the society of the Jesuits. Now, the Committee moved for, to inquire into the character of the College, would, in the first place, never touch that question—upon the proof of which the noble Earl had based his support of the Amendment. The noble Earl was prepared, and ready, as he said, to prove it. If such a thing had happened—if in violation of the provisions of the Relief Act any young men connected with that College had been introduced into the society of the Jesuits, the law was open; such an introduction was a misdemeanor under the law, and parties were amenable under the law, and liable, not as the noble Earl stated, to the penalty of transportation, but to the penalty of banishment; they were open to prosecution for misdemeanor; and he humbly conceived that if the noble Earl was cognizant of this, and was desirous to proceed, the course of proceeding was in the Courts of law, against those who had violated the law, and not by a fishing inquiry in their Lordships' House to obtain matter to criminate individuals, under the pretence of an inquiry into the doctrines and discipline of the College, and with the real and avowed intention of defeating this measure. He anticipated, as he had said, that the Amendment proposed was not intended as a substantial Amendment, and that the real question was, would their Lordships accept or reject this measure? He had conceived it was so, because, in the first place, the inquiry would be utterly useless. It would be useless on this account, if on no other—that in the sense in which some noble Lords looked upon it, no possible result of that inquiry would alter the votes they were about to give. They might prove that doctrines, more or less hostile, were taught there; that they were doctrines of an antagonistic Church, for he adopted the expression of a right rev. Prelate. They knew them as the doctrines of a Church antagonist to their own; and the Government avowed and declared that this endowment was granted to Maynooth for the purpose of instructing, in doctrines from which they differed, the priesthood of a population whose creed was not that which they themselves professed. If the inquiry were useless, it would not be merely useless. If they entered upon that inquiry—if, in prosecuting it, they called before them the various officers of the College, and the evidence which noble Lords were prepared to produce, for the purpose of proving that this or that objectionable passage was to be found in the text books used at Maynooth, or that this or that doctrine or principle was there inculcated—the only result of such inquiry would be an incessant, constant, and daily increasing acerbity, and an exaggeration of all the religious rancour and animosities which remained between different portions of the community. But in regard to the question, whether it was right or wrong to continue the endowment to Maynooth, in his opinion such an inquiry would be useless. They had the right to be satisfied that the principles of Maynooth were not at variance with the civil rights and duties which were owing to the country, and the allegiance that was owing to the Crown. But was there any noble Lord, who would say that he knew and believed that Maynooth did not uphold and maintain the doctrine of allegiance to the Crown? No one asserted so. The opinions of a Roman Catholic who had abandoned his faith, and who had joined the Protestant Church, had been quoted to show what was the state of things when he himself entered the College of Maynooth, and who said that he was extremely surprised, in common with others who entered with him, that the first thing the professors did on their entry was to administer to them the Oath of Allegiance. The same authority stated that some of

them did not kiss the book, and that there were other equivocations which ignorant people sometimes resorted to, imagining that they thereby released themselves in some degree from the obligation of the Oath. But was that to be charged upon the College into which, for the first time, these students entered? On the contrary, the statement of the witness was, that to each of them the Oath was tendered, and that it was taken by all. Do not let them take on this point any suspicious testimony which might slander away the character of men who deserved no such stain, no such reproach. Let them rather judge these men by their own recorded declarations and acts. What was the language of the statutes of the College of Maynooth with regard to allegiance to the Crown, and to the power of dispensing with that allegiance? The rule as to allegiance was laid down in the statutes. If either the noble Earl or the right rev. Prelate had composed a declaration of allegiance to the Crown, to be prescribed as an oath to be taken by students on their entrance to the College of Maynooth, he asked whether they could possibly have devised a more stringent declaration, or one more calculated to ensure loyalty, than that which was now administered? He thought, therefore, that further inquiry would answer no good purpose. As to the number of petitions against the measure, he was desirous to attach the utmost weight to *bona fide* petitions; but he conceived that many of those presented against the Bill originated in the apprehension that it would tend to injure the Protestant Church. If he thought that such would be its tendency, he should be the very first to condemn and denounce the measure as impolitic and unjust. He would never consent to anything that could have that effect; but he had no apprehension that this Bill would have any such tendency. The petitions against the Bill emanated principally from Protestant Dissenters; and while he entertained the highest respect for the members of those persuasions, he thought their petitions were founded upon erroneous views of the effects of the Bill. The principle of the Bill was not new, since there had been an annual grant to Maynooth for many years; and if the amount was not a ground of insuperable objection, he saw no reason why the grant should not be made permanent. He did not see that the endowment of the Roman Catholic priesthood would necessarily follow the endowment of the College of Maynooth. He saw great difficulties in the way of the former endowment; but he candidly avowed that they were not of a religious character. The evident and strong objection of the people of England to an endowment of the Roman Catholic priesthood would form a difficulty in the way of such a proposition, which necessarily required great consideration. It was said that this College was not only an exclusively Catholic College, but that it was still more — that it was an exclusively clerical Roman Catholic College; and the right reverend Prelate who directed himself to that question last night, made that a serious complaint against it. Was the noble Earl aware that in the first instance Maynooth had a lay College attached to it, and that the separation was caused by the Government of the day? But that question was not of such importance as this question. Did they expect—did any one expect, who supported this Bill, that there would be one Roman Catholic or Protestant less, or one Roman Catholic or Protestant more in Ireland, in consequence of its passing. There might, he admitted, be some who indulged in the dream that at some future period, and by some unexplained process of undefined legislation, the whole Roman Catholic population of Ireland would be brought within the pale of the Protestant Church. No man, he was satisfied, could value more than he (Lord Stanley) would the future possibility of the realisation of such a vision; but when he looked back to his own experience, and when he looked forward to future possibility, he was obliged to look upon that vision as altogether Utopian; and he was obliged to say that it would be ridiculous to make it the basis of any proceedings in Parliament. No one who held that opinion—who entertained that vision—could suppose that the conversion of persons to the Roman Catholic religion would be impeded by this measure; for its object was not to make more Catholics, but to make better Roman Catholics in Ireland. He was strongly convinced that the Roman Catholic religion contained grievous errors, that there were many failings in the Catholic Church; he was strongly and sincerely convinced of the superiority and purity of his own Church; but if circumstances were such as to place the choice

before him, that the being whom he regarded best in this world—that his own child should be brought up in the profession of the Roman Catholic religion, or left destitute of religious instruction, a prey to ignorance and to the vice consequent upon that ignorance—painful as the choice might be to him to have his child brought up in the profession of what he believed an erroneous faith, he would sooner have that child brought up in the Catholic faith, than left a prey to ignorance. That, however, was not the question now. They had now to deal with a case in which a population were Roman Catholics, and would be Roman Catholics; and they had to consider whether they should be instructed Roman Catholics or ignorant Roman Catholics; whether they would have those Roman Catholics educated by priests well instructed and well affected to the Government which took them by the hand, or not. Let them look at it in either way, and he would say that, as Christians as well as politicians, they were obliged to consider it, and in that light he looked on it as wise, and just, and prudent, to give their Roman Catholic fellow subjects the best religious education they could afford them, according to the forms of worship which they observed, and which their creed would permit them to receive at the hands of the Government or the Legislature. A right rev. Prelate, who opposed this Bill on the previous evening, stated that he looked upon this as an endowment of the Roman Catholic priesthood; and that, in consequence of that, it was so objectionable that, rather than have such a double endowment, he would have no endowment of any Church at all, and would be for the withdrawal of all State endowment of religion. He would not, in answer to that, go into the ground which had been taken by the noble Lord connected with the county of Limerick, and enter on the subject of the general Colonial policy of the country with regard to the support of different religions; but he would remark that in Canada and Malta, and other dependencies of the Crown, held under treaties, different forms of religion were supported and maintained from the State funds. So much, then, for what had been said as to the introduction of a new principle by this Bill. If noble Lords meant to say that this Bill was intended to promulgate error, and that they would not consent to promulgate any error, however it might be connected with much truth which could not be promulgated unless mixed with it, he might think that those noble Lords were affected by an obliquity of vision; but with regard to any conscientious objection to such a promulgation, he could not give any answer. If those noble Lords said that it went against their consciences, he could not object to that statement; but he could not allow their consciences to regulate his. If they were not to do anything, on the principle that they were not to promulgate error, they ought not to stop at this Bill on this occasion, for they had been propagating error for the last fifty years by annual votes; and they had fifty years ago declared their intention of promulgating error by the endowment of a College at Maynooth, at which were taught doctrines which they considered erroneous; and that intention had been evinced every year since by an annual vote for the purpose. A right rev. Prelate last night stated that the College was not originally endowed by the Government in 1795, but that it merely permitted the endowment of the College. If their Lordships, however, looked to the Statutes of 1795, and, subsequently, of 1800, they would find that the Acts were to endow, maintain, and establish the College: and these words were used by the Protestant Legislature of Ireland. Not only did the original Act endow the College, but it gave a sum of 8,000*l.* to it; and that endured ever since without alteration, unless in the amount of the sum, which was at one time raised to 13,000*l.*, and at another reduced to 9,250*l.* Irish currency. They would find that endowment in the 10th Clause of the Bill. It was not a private institution—it was an institution established by the Government originally, and which was overlooked by official trustees appointed by the Government; nay, the President of the College could not be appointed but subject to the approbation of the Lord Lieutenant; and all the by-laws not affecting doctrine, but for the regulation of the College, were to have the tacit approval of the Lord Lieutenant of Ireland. To say, with all the facts before them, that this institution was unconnected with the State, was perfectly absurd. A right rev. Prelate, last night, spoke of the vast difference he said there was between the education of the Catholic priests in Ire-

land, and that of the Catholic priests in England; whereas, in point of fact, in England young men intended for the priesthood, as soon as they commenced their theological studies, were as effectually severed from the society of other young men as at Maynooth, so that the monastic seclusion spoken of was not peculiar to the latter establishment. The noble Lord then pointed out the improved condition, physically, in which the proposed Bill would place the students of Maynooth, and contended that the effect of this improvement would be highly beneficial to them in every point of view, and, among other results, tend altogether to alter the feelings which the past niggardly conduct of the Government, in reference to the establishment, not unnaturally generated in their minds. They asked whether this measure was to stand alone? He replied, that this was to be taken by itself; but at the same time to be taken as an indication of the future conduct of Government. The Government desired that this measure should be considered in the eyes of the people of Ireland as a manifestation that the Government resolved to treat them with conciliation, and in a spirit as honourable to their Roman Catholic subjects as to any other portion of Her Majesty's subjects. This was not to be treated as the harbinger of future measures, but, as an indication of what would be the conduct of the Government towards Ireland. He believed that it would be so received in Ireland. It had been held out that no gratitude was to be expected, as it had been extorted from the Government. He entertained the opinion that it would not be regarded in that spirit. The noble Earl had said that the proceedings of the Government, in adopting the legal proceedings which they did, had produced tranquillity in Ireland. He admitted that to a considerable extent this was the case; but in the same year that Her Majesty's Ministers adopted this course, they took into their consideration what measures could be adopted for the relief of the people of Ireland. In this spirit they, last year, had passed the Charitable Bequests Act, which, he believed, notwithstanding the outcry and agitation, had given satisfaction in that country. And in the same spirit they had brought forward the measure now before the House. It had not been brought forward in consequence of any indication of a cloud in the far west, which had been referred to by his right hon. Friend in another place, for it had been prepared and determined on when there was no apprehension of a foreign war. It was last year that they decided on adopting a measure of this kind, and they then consulted the Catholic hierarchy of Ireland on the principle, though not on the details of the measure now before the House. The whole of the measure had been decided on upwards of six months before it had been introduced in another place. His right hon. Friend, indeed, did not say that it had been brought forward with any reference to the cloud in the west; but that he was glad that he had been able to propose a measure which he believed would prove satisfactory to the people of England, and this at a time when circumstances had led to the necessity of a strong expression of opinion in this country with reference to foreign matters. He denied the statement of Bishop Higgins that this measure would be regarded with indifference by the Irish people, as it was a paltry concession, and one not asked for. On this point he would refer to the Memorial of the Catholic bishops, presented the year before last, requesting an additional grant to Maynooth [the noble Lord here read the Memorial in question]. But if this measure had not been asked for, he should still regard it as a desirable measure; and he believed that it would be received with feelings of gratitude by the Irish people; who, whatever other faults might be charged to them, never were ungrateful for a kindness bestowed upon them. It was impossible to suppose that this or any other measure which could be proposed would satisfy the fanatical firebrands who were to be met with in Ireland, or those agitators, who, for their own mercenary motives, excited the people of that country, and who would do everything in their power to prevent anything like a union of feeling between the two countries; for they knew that their pecuniary, their personal position, and their popularity, depended upon the continuance of it. But if they should meet with disappointment, he still should feel satisfied that they should regard the measure as a most useful one; and if agitation after this and other measures should still continue in a violent degree, he would suggest that wise maxim from a holy source, "Be not overcome with evil, but overcome

evil with good. Regard not railing, or be turned from thy course by it." They might depend upon it that ultimately ingratitude and suspicion must be overcome by constant kindness. They now proposed to give a higher instruction to the Irish priesthood for the sake of the Irish people, whom they had already educated highly —for a highly educated people must have a highly educated priesthood. And here let him express his satisfaction at the success of the measures for the education of the Irish people which he had formerly introduced; and he trusted that this and the measures before the other House of Parliament would be attended with equal success. He rejoiced to hear from his noble Friend opposite (Lord Monteagle) that he was not prepared to draw any portion of the funds of the Protestant Church in Ireland, to endow the clergy of the Roman Catholics. It might be that efforts, more or less successful, would be made to look on the very existence of that Church as a grievance. If that were so, he called on them not to be deterred from doing justice, by the fear of being met with ingratitude. If they could not do otherwise, they should affirm that they would maintain the Established Church, that they would adhere to and uphold that Church in its rights, its temporalities, its privileges, and in its distribution throughout the length and breadth of the land. But in doing so, they should add that they were ready to take by the hand of kindness the priesthood of the Roman Catholic Church, and to promote not only the moral and the intellectual instruction of the people, but also the religious instruction and education in the tenets of the Roman Catholic Church; that even though that faith differed from their own, still that object was one which the Government had at heart, and which the Government of this country, Protestant though it was, admitted to be right and just to give the best attention to. The decision rested with their Lordships. He could not place too highly before them the responsibility that would be incurred by a rejection of this measure, a responsibility far greater than if the measure had never been introduced. But he had no such fear. He knew their Lordships would look to this question as statesmen, as Christians, and as men desirous of securing by the firmest hold the union, not the legislative union, but the real and substantial union between all classes of the people of this Empire, divided as they might be in religious faith. And while he could not express the alarm and dismay which the rejection of this measure would occasion in his mind, he had too high a sense of the wisdom, justice, and patriotism of the illustrious assemblage which he addressed—to dread that they would involve the country in the fearful consequences which he apprehended.

The Question was again put, viz.:—"That the words proposed to be left out, stand part of the said Motion." House divided:—Contents 155; Non-Contents 59: Majority 106.

List of the CONTENTS—*Present.*

ARCHBISHOP.
Dublin.

DUKES.
Cambridge
Norfolk
St. Alban's
Leeds
Rutland
Hamilton
Buccleuch
Roxburgh
Leinster
Wellington
Cleveland.

MARQUESSES.
Winchester
Huntley
Lansdowne
Salisbury
Abercorn
Donegal
Headfort
Camden
Londonderry
Ormonde
Clanricarde.
Westminster
Normanby.

EARLS.
Devon
Essex
Shaftesbury
Scarborough
Jersey
Haddington
Dalhousie
Leven
Selkirk
Aberdeen
Rosebery
Glasgow
Cowper
Waldegrave
Warwick
Fitzwilliam
Hardwicke
Delawarr
Spencer
Bathurst
Clarendon
Fortescue
Beverley
Carnarvon
Liverpool
Malmesbury
Meath
Bessborough
Mornington
Charlemont
Kingston
Clanwilliam
Wicklow
Clare
Leitrim
Lucan
Kenmare
Rosslyn
Chichester
Wilton
Powis
Gosford
Rosse
Lonsdale
St. Germans
Morley
Somers
Stradbroke
Cawdor
Munster
Burlington
Ripon
Yarborough
Zetland
Auckland
Ellenborough
Bruce.

VISCOUNTS.
Strathallan
Torrington
Sydney
Strangford
Midleton

Gage
Hawarden
Lake
Canning
Canterbury
Ponsonby.

BISHOPS.

Durham
Norwich
St. David's
Worcester.
Chichester

BARONS.

Lyndhurst
Stanley
De Ros
Clinton
Camoys
Beaumont
Byron
Saltoun
Belhaven
Montfort
Foley
Walsingham
Suffield
Braybrooke
Thurlow
Lyttelton
Calthorpe
Carrington
Bolton
Lilford
Rossmore
Crofton
Gardner
Alvanley
Redesdale
Rivers
Erskine
Crewe
Manners
Glenlyon
Delamere
Forester
Downes
Wharncliffe
Tenterden
Brougham
Talbot of Malahide
Templemore
Dinorben
Denman
Carew
Abinger
Ashburton
Glenelg
Hatherton
Stafford
Cottenham
Langdale
Bateman
Wrottesley
Leigh
Lurgan
Colborne
De Freyne
Monteagle of Brandon
Campbell
Vivian.

List of the NOT-CONTENTS—*Present.*

DUKES.

Grafton
Manchester
Newcastle
Buckingham.

MARQUESSES.

Downshire
Exeter
Cholmondeley
Breadalbane.

EARLS.

Winchilsea
Kinnoul
Mansfield
Digby
Cadogan
Egmont
Roden
Bandon
Caledon
Onslow
Romney
Clancarty
Nelson
Charleville
Manvers
Orford
Harwood
Brownlow
Beauchamp
Sheffield
Eldon
Effingham.

VISCOUNTS.

Maynard
Sidmouth
Lorton
Combermere.
Hill.

BISHOPS.

Winchester
Lincoln
Bangor
Carlisle
Llandaff
Chester
Oxford.
Gloucester
Exeter
Peterborough
Lichfield
Cashel.

BARONS.

Willoughby de Broke
Sinclair
Southampton
Grantley
Kenyon
Bayning
Farnham
Sandys
Colchester
Rayleigh
Bexley
Feversham.

Rsolved in the *Affirmative*.

Then the original Motion was again put, viz.:—"That the said Bill be now read 2ª;" objected to; and on Question, House divided:—Contents Present, 144; Proxies 82: Majority 226. Non-Contents Present 55; Proxies 14, 69: Majority 157.

List of the CONTENTS—*Proxies.*

DUKES.

Bedford
Devonshire
Portland
Northumberland
Sutherland.

MARQUESSES.

Tweeddale
Sligo
Northampton
Anglesey
Bristol.

EARLS.

Pembroke
Huntingdon
Denbigh
Westmoreland
Lindsey
Abingdon
Albemarle
Poulett
Erroll
Eglintoun
Home
Lauderdale
Balcarres
Tankerville
Macclesfield
Harrington
Buckinghamshire
Talbot
Mount-Edgecumbe
Cork
Fingall
Courtoun
Sefton
Donoughmore
Harrowby
Minto
Cathcart
Glengall
De Grey
Howe
Amherst
Camperdown
Granville
Ducie
Leicester.

VISCOUNTS.

Massareene
Melbourne
Doneraile
St. Vincent
Melville.

BARONS.

Dacre
Stourton
Berners
Vaux
Petre
Arundel
Stafford
Clifford
Rollo
Polwart
Carteret
Montagu
Cloncurry
Clonbrock
Dunally
Prudhoe
Howden
Ravensworth
De Tabley
Cowley
Stuart de Rothsay
Heytesbury
Poltimore
Godolphin
Lovat
De Mauley
Methuen
Beauvale
Stanley of Alderley
Stuart de Decies
Wenlock
Seaton.

List of the NON-CONTENTS—*Proxies.*

ARCHBISHOPS.

Canterbury
York.

DUKE.

Marlborough.

MARQUESSES.

Ely
Westmeath.

EARLS.

Guildford

Mountcashel	BISHOPS.
Longford	London
Bradford.	St. Asaph
	Ripon.
VISCOUNT.	BARON.
O'Neill.	Berwick.

Resolved in the *Affirmative.* Bill read 2ª.

House adjourned.

The following Protest against the Second Reading of the Maynooth Bill was entered on the Journals.

"DISSENTIENT 1. Because I have always viewed the establishment of the Roman Catholic College of Maynooth as a measure bad in principle, and not productive of any of those advantages which (as an experiment and a mere measure of political expediency) might possibly have, on those grounds, justified its original adoption.

"2. Because I have always entertained the strongest conviction, that the annual grant to the College of Maynooth was a measure to which, as a Protestant, I could not assent; as educating, for the spiritual instruction of the Roman Catholic population of Ireland, an inferior class of persons, taken, in most instances from the lower orders of the people; and therefore not likely to use, for the general advantage of the country, the immense power which they must possess as the spiritual guides of a naturally intelligent, sensitive and easily excited people.

"3. Because my sentiments as to the character of the education adopted in the College of Maynooth have been fully corroborated by the evidence taken before the Commissioners of Irish Education in their Eighth Report; and the admissions of the Professors of that Institution prove to my complete satisfaction, that the authorized class books of Maynooth (which every student is obliged to purchase), and the standards to which they are referred, contain doctrines the inoculation of which upon the youth who are to be the spiritual guides and directors of the great body of the Irish people, must be fraught with the greatest danger to the peace and well-being of the United Empire.

"4. Because, objecting so strongly to the annual grant to the College of Maynooth, those objections are infinitely increased, when it is proposed to give to that institution a permanent endowment, unaccompanied by any check or control on the part of the Legislature.

"5. Because, it is my firm conviction that the effect of the present measure for the permanent endowment of Maynooth will be to increase the number of the Roman Catholic priesthood, without improving the quality of that body.

6. Because considering this measure to be bad in itself, and dangerous in its consequences, I cannot but view it as the precursor of other measures which, in the march of events, it must carry with it—involving (perhaps at no distant period) the destruction of our Protestant Established Church.

"FARNHAM.
"KENYON."

HOUSE OF LORDS,

Thursday, June 5, 1845.

MINUTES.] BILLS. *Public.*—3ª. and passed:—Calico Print Works.

Private.—1ª. Kendal and Windermere Railway; Blackburn, Darwen, and Bolton Railway; Leeds and West Riding Junction Railway; Leicester Freemen's Allotments.

2ª. Leeds, Dewsbury, and Manchester Railway; Huddersfield and Sheffield Junction Railway; Huddersfield and Manchester Railway and Canal; Leeds and Bradford Railway Extension (Shipley to Colne); Crediton Small Debts.

PETITIONS PRESENTED. By Bishops of Lichfield, Cashel, and Ely, Earls Fitzhardinge, and Winchilsea, Marquess of Breadalbane, and by Lords Monteagle, Redesdale, and Farnham, from Clergy and others of Armagh, and numerous other places, against Increase of Grant to Maynooth College.—From Dissenting Congregation of Bridge Meeting House, Honiton, in favour of Increase of Grant to Maynooth College.—From Inhabitants of Athboy, for Inquiry into the Course of Instruction adopted at Maynooth College.—By Lord Farnham, from Monkstown, and 3 other places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Bishop of Norwich, from Judges, Registrars, and others of Norwich and other Dioceses, and from Attorneys and Solicitors of Ipswich, against the Ecclesiastical Courts Consolidation Bill.—From Barton-upon-Humber, and 2 other places, for the Suppression of Intemperance.—From City of Lincoln, for Repeal of 57th Clause of Insolvent Debtors Act Amendment Act, and for Establishment of Local Courts.—From Minister and Congregation of Christ Church, Belfast, for the Better Observance of the Sabbath.—By Marquess of Normanby, from Inhabitants of Newcastle-upon-Tyne, in favour of the Adoption of Sanatory Regulations in Populous Districts. By Lord Redesdale, from Society of Leather Sellers and of Grocers of the City of London, praying to be heard by Counsel against the Charitable Trusts Bill.—From Journeymen Tailors of Ashton-under-Lyne, against the present practice of Tailors Employing Middle Men.—From Newington, and 3 other places, in favour of the Calico Print Works Bill.—From Debtor Prisoners of Queen's Prison, Southwark, for Abolition of Imprisonment for Debt.—From Commissioners of Court of Requests, Southwark, and Eastern Half of the Hundred of Brixton, against the Small Debts Bill.—From Parish Schoolmasters within the Presbytery of Peebles, for Inquiry, with a view to their Better Remuneration.

THE NEW HOUSES OF PARLIAMENT.]—Lord *Brougham* said, during the three nights' debate in that House, some of his noble and learned Friends having been in the House from ten o'clock in the morning till three or four o'clock the next morning; and from 200 to 300 or 400 people having been crowded into so small a building, the greatest inconvenience had been experienced from the imperfect ventilation. He therefore wished to ask his noble Friend (the Marquess of Clanricarde), whether it was the intention of the Committee appointed by their Lordships with reference

to the New Houses of Parliament to proceed with their duti ?

The Marquess of *Clanricarde* admitted that great inconvenience had been experienced by noble Lords who had been present during the late debate. This was a most important subject ; for although he had not himself suffered from the late protracted sittings, yet there were many noble Members of that House whose health and lives were valuable to the country, who could not but experience injurious effects from long debates held under such unfavourable circumstances. He considered that if proper attention had been paid to their Lordships' wants, they might now have had another place far better fitted for their discussions than this House. He was aware, that if he found fault with the conduct of any professional or other individuals, that conduct might be strongly vindicated; but he would say, that it was not at all creditable to those employed that their Lordships had not better accommodation. He considered that the Committee to which his noble and learned Friend had referred, and for the appointment of which he (the Marquess of Clanricarde) originally moved, ought immediately to reassemble. If that Committee had possessed more extensive powers they would have been better able to effect the objects for which they were appointed; but he would name a very early day for the reassembling of the Committee.

The Marquess of *Normanby* could confirm what had been said as to the wretched state of the ventilation of the House. He could not blame the gentleman employed to take charge of the ventilation, for the whole structure was such as to defy his efforts. He did hope that the Committee appointed to look after the construction of the New House would be able to obtain from the architect some assurance that next Session they would be able to remove into it.

Lord *Campbell* said, that his noble Friends below him (Lords Brougham and Cottenham) had suffered so severely last night from the imperfect ventilation, and the sudden draughts of hot and cold air, that they had been unable to attend to the legal business in that House to-day. The noble and learned Lord was understood to say that Mr. Barry had given an assurance as to the time when the new House might be expected to be ready for occupation.

Lord *Brougham :* I don't regard the assurance of Mr. Barry as worth the value of the paper on which it is written. Mr. Barry is all but resisting the authority of this House; he is fencing with the House. He foolishly, short-sightedly—and, as he will find to his cost, most ignorantly—fancies that he has high protection out of this House. He will find himself mistaken, completely mistaken.

THE MAYNOOTH DEBATE — EXPLANATION.] The Earl of *Winchilsea*, in presenting twenty-five petitions against the grant to Maynooth, said, he wished to explain some observations which he had been stated to have made use of—and which were reported to have given pain — with reference to a right hon. Gentleman (Mr. Gladstone), for whom he entertained the highest possible respect. He could not exactly remember the very words used, and he had been too much occupied to look at any report of them. The fact was, that he never wrote his speeches; for, once he did so, and he got into such confusion that he resolved never to do it again, but was determined to let his mouth speak what his heart felt. Sometimes, however, his heart was so full, that his mouth could not give utterance to his sentiments. But, with reference to the matter in hand, he did not think that he had made use of the words that were attributed to him. It had been represented that he (the Earl of Winchilsea) had charged the right hon. Gentleman with dishonesty. He could most conscientiously say that such an idea had never passed through his mind. He had merely, in what he said, alluded to the arguments in the recent speech of the right hon. Gentleman on the subject of the Maynooth grant. The word 'insidious,' as applied to the right hon. Gentleman's speech, he never had used, although he certainly had said that he did consider some of its arguments to be 'jesuitical.' He repeated that of the right hon. Gentleman he had the highest opinion. A more honourable and higher minded gentleman did not exist; and it would pain him (the Earl of Winchilsea) exceedingly if anything that fell from him on that occasion should give him pain.

The Marquess of *Breadalbane*, having presented several petitions against the proposed endowment of Maynooth, said, he wished to take that opportunity of making a few observations in regard to a statement made by the noble Lord the Secretary for the Colonies (Lord Stanley), during the

debate of the previous night, as to the character of the numerous petitions which had been presented against the Government measure. The noble Lord had said that there was in fact a regular manufactory for these petitions; that they were got up for the occasion; that they did not express the spontaneous flow of the feelings of the people on the subject of Maynooth, and were therefore not entitled to any value. All he could say in regard to the petitions he had presented—and he had presented no inconsiderable number—was, that the circumstances stated by the noble Lord did not apply to them. He must, at the same time, be allowed to observe that, unless they were well founded, he thought such statements, in regard to the petitions presented to their Lordships, ought not to be made, especially in regard to a subject of legislation calculated to excite the deepest and strongest feelings of the people of this country.

Lord *Stanley*, after the remarks of the noble Lord, thought it right to correct a misapprehension under which the noble Lord appeared to labour, as to what he had really said on the occasion referred to. He did not attempt to detract from the value of the petitions presented against the Maynooth Bill. What he did was to divide them into classes; and he said that many of them came from those who wished to withdraw all support on the part of the State from any religion whatsoever—that there were many more which he could hardly regard as the genuine voice of the feelings of the people which they purported to express, for he knew the manner in which they had been got up—that he had himself seen many of them all couched in the same terms, and he had reason to believe that they had all come from the same place—and that there were many more that had emanated from the conscientious religious feelings of the petitioners, but which proceeded from an erroneous view of the measure brought forward by the Government; and he had also added that their Lordships, in dealing with those petitions, were bound to consider the soundness of the arguments they adduced, as well as the number of the petitions themselves.

Ecclesiastical Courts Consolidation Bill.] Lord *Cottenham* moved, that the House do now resolve itself into Committee.

The Bishop of *Exeter*, after adverting to the circumstances in which the Ecclesiastical Courts Bill of 1843 was introduced, amended, and finally withdrawn, said, that in this Bill it was attempted to give jurisdiction in spirituals to a Lay Court, which it was not competent for the State to give; and therefore he moved that the Bill be committed that day six months.

The *Lord Chancellor* said he had given his assent to the second reading of the measure; for it was impossible that he could disagree to the principle of a Bill, the clauses of which, so far as he saw, correspond with those of the Government Bill of 1843, and of that more limited measure which he had himself last year introduced, and which, having gone through a Select Committee, passed their Lordships' House unanimously, and was only abandoned in the House of Commons in consequence of the lateness of the Session.

Lord *Brougham* suggested that the Bill be referred to a Select Committee.

The Bishop of *Exeter* would assent to that with all his heart; for when once the Bill was buried in the Select Committee, it would not be disinterred until next Session.

Lord *Cottenham* had only interfered in the matter when he found that the Government did not themselves intend to propose any measure upon the subject during the present Session. The evil which this Bill proposed to remedy was admitted to exist by all parties; and after this Bill had been sanctioned by all the Members of the Government in that House, and had passed the second reading by the unanimous vote of their Lordships, it ought not now to be stopped in its course. The evil was admitted—ought he to be prevented from applying a remedy?

The Bishop of *Exeter*, upon the understanding that the Bill be referred to a Select Committee, withdrew his Amendment.

Lord *Brougham* explained, that he had not suggested a Select Committee for the sake of delaying, but because he thought it would expedite the Bill.

Lord *Abinger* objected to the Bill. The Ecclesiastical Courts had subsisted for 700 years, and he thought the abolition of those ancient jurisdictions was uncalled for. He should support the Amendment for referring the Bill to a Select Committee.

The Bishop of *Salisbury* said, he was never more surprised than when he read in the country a statement in the newspapers that this Bill had been read a second time without any opposition on the part of Her

Majesty's Government. He rested his objection to the Bill on the argument so strongly put by the right rev. Prelate (the Bishop of Exeter) as to the necessity of maintaining this shadow of a jurisdiction. The rights of the Church were essential to the character of the Church. As to the testamentary jurisdiction of these courts, it was a question of popular convenience; but it rested with the advocates of the change to show that public convenience would be promoted by it without any accompanying evils. He concurred in opinion with those who recommended that the Bill should be referred to a Select Committee.

After some remarks from Lord Brougham, the Bishop of Exeter, and Lords Cottenham and Campbell,

Lord *Wharncliffe* thought it would be better to allow the Bill to go through its present stage, and that it should not be reported till an opportunity had been afforded of considering the details of the Bill.

Bill referred to a Select Committee.

CALICO PRINTWORKS BILL.] The Duke of *Buccleuch* moved the Third Reading of he Calico Printworks Bill.

Lord *Brougham* moved that the word "female" in the 22d Clause be struck out.

Amendment negatived.

Lord *Campbell* said that, whatever the necessity might be for married females not being allowed to work by night in printworks, there was no such necessity for preventing unmarried women from working. He would, therefore, move the insertion of the word "married" before "female."

The Duke of *Buccleuch* could not understand why unmarried females should be allowed to work, and married not. This was no new restraint; the Bill of last year had been found to work well, and both masters and workmen cordially approved of it. Night-work was most pernicious, and the greatest bane to morals.

Lord *Campbell* said, there was a distinction between married and unmarried women; the former were often pregnant, and had children to attend to and clothes to mend.

The Marquess of *Normanby* agreed that there was this distinction; but it was the desire of all classes, manufacturers and workmen, that night-work should cease.

Amendment negatived. Bill read 3ª and passed.

Lord *Wharncliffe* moved that the House do adjourn till Monday next.

Lord *Brougham* objected to adjourn without cause shown; after having lost the whole day, owing to Mr. Barry, and those who protected Mr. Barry out of the House, he objected to lose another morning of judicial business without cause shown. He could not conceive any reason for adjourning over to Monday, except that there was an entertainment to be given in some quarter of the town. He agreed that it was right to adjourn on the Queen's birthday; but to move an adjournment because the Queen gave a ball was the most extravagant proposition ever made in an assembly of their Lordships' importance.

Lord *Wharncliffe* said, there could be no objection to the House sitting to-morrow if there was any cause to be heard; but he did not see anything in the Paper for to-morrow.

Lord *Brougham* said, there was a cause under argument in which Scotch counsel were to be heard, who were detained in London. There was likewise the Small Debts Bill to be read a third time. If noble Lords came down in costume the sight would be very gratifying; and he should be exceedingly glad to see the noble President of the Council in the costume of Lord Burleigh.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Thursday, June 5, 1845.

MINUTES.] BILLS. *Public.*—2°. Merchant Seamen's Fund; Fresh Water Fishing.

3°. and passed:—Privy Council; Canal Companies Tolls; Canal Companies Carriers.

Private.—1°. Bristol Parochial Rates (No. 2).

Reported.—St. Helen's Improvement; Aberdeen Railway; Reversionary Interest Society (No. 2); Kendal Reservoirs; Agricultural and Commercial Bank of Ireland; Battersea Poor; Dundee Waterworks; North Union and Ribble Navigation Branch Railway; Blackburn and Preston Railway; Preston and Wyre Railway Branches; Eastern Union and Bury St. Edmunds Railway (No. 2); Londonderry and Coleraine Railway; Londonderry and Enniskillen Railway; Bridgewater Navigation and Railway (re-committed); Taw Vale Railway and Dock.

3°. and passed:—Newcastle-upon-Tyne Coal Turn; Leicester Freemen's Allotments; Kendal and Windermere Railway; Leeds and West Riding Junction Railway; Guildford Junction Railway.

PETITIONS PRESENTED. By Sir H. Campbell, from Swintoun, against the Grant to Maynooth College.—By Sir T. Acland, from Rector and Parishioners of the Parish of Little Bowden, for Alteration of Law relating to Charitable Trusts.—From Provost, Magistrates and others of Jedburgh, in favour of Fresh Water Fishing (Scotland) Bill.—By Sir T. D. Acland, and Mr. Wawn, from Ilfracombe, and South Shields, against Merchant Seamen's Fund Bill.—By Sir Hugh Campbell, from Presbytery of Lauder for Ameliorating the Condition of Schoolmasters (Scotland).

RAILWAY BILLS.] Mr. *Labouchere* rose, in pursuance of the notice he had given on the subject, of the best course to be pursued by Government in relation to the amount of railway business before the Legislature. He sincerely regretted that the task had been left to him; for he still retained the opinion he had expressed a few evenings ago, that it would be far better if the question were left in the hands of Her Majesty's Ministers. Having, however, thought it to be his duty to call the attention of the right hon. Gentleman the Vice President of the Board of Trade to the subject, and having urged on his notice the propriety of considering the state of Railway Bills, and of bringing in some measure on the subject, and having received an answer from that right hon. Gentleman, that it would be advisable to postpone the subject for a month or six weeks, and that until that period had elapsed, Government would not be prepared to recommend any course on the subject, he had determined to press the question on the consideration of the House. He entertained a strong opinion that the House would not be doing its duty if it did not, without further delay, adopt some measure in reference to this subject. The right hon. Gentleman's argument that delay would be of advantage, in his opinion would be found to operate in a contrary direction; for he believed that a great deal of unnecessary delay and expense now entailed on Railway Bills before that House could only be put an end to by some immediate measure. Having, since the time he had last addressed the House on the subject, held communication with some hon. Members, and with Gentlemen interested in railway matters, he had fully ascertained it was the prevalent opinion that the measures he recommended some days ago would, if they became law, have a salutary effect in checking that delay now which Railway Bills encountered. The state of the railway business before the Legislature was so notorious, and so well known to the majority of the Members of that House, that it was hardly necessary for him to call the attention of hon. Members to the fact. Out of 243 Railway Bills introduced this Session, there were 140 now in Committee still undisposed of. This number of 140 was ranged in twenty-four groups, so that only 103 Bills had hitherto been disposed of in Committee, and reported upon; leaving thus a mass of 140 projects, including the more important and difficult of the Railway Bills, in the Committee Rooms on the 5th of June, and likely still to continue there. He would further remind the House, that besides the difficulty of disposing of this mass of Railway Bills, and the inconvenience and expense which resulted to parties connected with them, the necessity of referring the recommendations of the Board of Trade to a Committee existed, and that this afforded an additional reason why the Legislature should attempt something towards remedying the present state of things. The reasons he had urged formed a strong case why Parliament should take care that parties promoting railway projects should not be subjected to a delay and an expense which the House, by adopting some efficient measure, had the means of preventing. With regard to the expenses of some of these railways, he had heard that a learned counsel in one of the Committees—that Committee in which the London and York Railway line was investigated — had stated that the daily expenditure with regard to this one Bill was 3,000*l*. He really thought it was the duty of the Legislature, considering the enormous expense entailed by unnecessary delay, to see that no delay and no expense should be imposed on parties which might be avoided. The question then was, what was the best course to be taken. The Session had arrived at such a period that, with respect to some of the more important railway lines, it was quite impossible they could pass into law this Session. Even if the Bills passed through Committee, it was impossible they could reach the other branch of the Legislature in time to pass into laws. It was notorious that parties opposed some Bills, and were carrying on their opposition for the purposes of delay, thinking it would entail on the promoters of the rival projects the necessity of commencing afresh next Session, and perhaps of defeating their hopes. He held it to be the duty of the House to interfere under such circumstances. Nothing, in his opinion, could be more unfair than that those parties who had struggled through Committee, and had got a favourable verdict, and whose Bills were only prevented from being carried from the impossibility of getting them passed through the House of Lords, should be thrown back, and should be compelled to go through all their work over again

next Session. There was a degree of injustice in this course which he was satisfied the House would never agree to. He now came to the question of delay. He thought the most efficient mode of preventing unnecessary delay would be to tell all parties that if their Bills passed through Committee, and were reported upon, though there might not be time this Session to pass them through the House of Lords, yet that in the next Session they should be placed in the same situation as they were left at the end of the Session. Looking back to precedents, he found that the House on more than one occasion had recommended this course in the case of Railway Bills. The circumstances under which the House took this step were different to the circumstances which existed now. The course was, on a former occasion, recommended by an unexpected dissolution of Parliament. The House had then been led to the consideration of what was best to be done with the Railway Bills, and they recommended what he hoped to see adopted now, that the Bills should be put substantially in the same place, and go on from the point at which they arrived the previous Session. The case now was, however, so far different, that they foresaw what was going to happen; and it was therefore but fair that notice should be given to all parties of the course which Government intended to pursue. It was from entertaining these sentiments that he would venture to submit the Resolution which he had placed on the Paper. The first part of the Resolution referred to Bills already reported to the House, and which had already gone through the ordeal of the Committee. When these Bills were read a second time, they had no claim to any favour in the following Session. What he proposed to do was, to give them a claim to favour. They had struggled through the Committee, they had gone to a great expense, and had been at much trouble to prove their case; and in his opinion they ought to have some amount of favour shown to them. If the terms of his Resolution were not large enough, he was quite willing to enlarge them. With regard to the remedy, he thought the best course would be to follow up the analogy of the cases in 1830 and 1842, though he admitted there was some difficulty in the question. With these views he had framed the Resolution he was about to submit to the House. He repeated, he regretted Her Majesty's Government had not thought fit to take the step he had taken themselves; but if they had changed the opinion they had expressed the other evening, he should with pleasure give up the management of the question into their hands. He begged to move—

"That, inasmuch as, from the unusual number of Railway Bills which have been introduced into this House during the present Session of Parliament, and also from the delay which has been occasioned in the consideration of them, in consequence of the reference of the Reports of the Railway Department of the Board of Trade to the Committees on these Bills, it may be impossible for many of them which shall have been reported to this House to be passed into laws during the present Session, this House will adopt such measure in the next Session as may appear best calculated to prevent the parties promoting such Bills from being subjected to any unnecessary expense or delay.

"That a Select Committee be appointed to consider in what manner it may be expedient to carry this Resolution into effect."

Sir *G. Clerk* said, that when the subject of railway legislation was brought before the House some days ago, he had replied to the right hon. Gentleman opposite, in answer to his inquiry, whether he was prepared to propose anything relative to the matter to the House, that the Government had certainly turned its attention to the question, on account of the enormous mass of railway legislation, but that he was not then prepared to call upon the House to come to any specific Resolution respecting that branch of private business; and he still thought that there existed very strong objections to any Resolution pledging the House to adopt any particular line of conduct in regard to Railway Bills. The House must consider with respect to the Resolution of the right hon. Gentleman, that they were thereby called upon to adopt a course for which no precedent whatever existed. Instead, therefore, of pledging the House to any Resolution such as that proposed, he should, looking at the extreme difficulty which such a course would involve hereafter, infinitely prefer the whole subject to be referred to an investigation before a Select Committee of the House, by whom the progress actually made in the different Railway Bills, and the position in which they stood, should be examined and reported upon with a

view to the recommendation and adoption of measures which might appear prudent and desirable. He wished the Committee to be adopted with a view to far wider results than were contemplated by the right hon. Gentleman's Resolution, which only referred to those Bills which had been investigated and reported upon by the Committees; whereas, it might very easily happen, that Bills had not yet come under the notice of Committees which were far more likely to obtain the sanction of Parliament, and yet which would remain so long on the list as to give the Committee no opportunity to report upon their merits. Under the circumstances, therefore, he thought it would be far better, without pledging the House to any particular course, that he should move as an Amendment on the words read from the Chair the following Resolution:—

"That a Select Committee be appointed to inquire into the state and progress of the several Railway Bills now before Parliament, and to consider and report their opinion as to what measures should be adopted by the House, in order to facilitate their re-introduction, and to prevent expense and delay in the progress through Parliament, in the next Session, of such Railway Bills as it may be found impossible to pass into laws from want of time for their proper investigation during the present Session."

He anticipated no difficulty in appointing such a Committee immediately, and he thought that when it came to inquire into the subject there would be found a vast variety of cases, differing from each other, and obliging them to lay down new rules and to suggest special regulations, in order to meet those cases. One of the results would probably be to prevent those from being under the necessity of proving their case again who should once have proved it. The Resolution of the right hon. Gentleman merely embraced one particular class of Bills, those, namely, which had been reported to the House; and he would put it to the right hon. Gentleman, whether it were not preferable to refer all the Railway Bills actually in existence to a Committee constituted similarly to that which had formed the rules by which railway projects had been classified and placed under their present regulations. He thought that such a Committee might, by the exertion of due diligence, select and report such cases as merited the indulgence of the House in regard to their progress during the next Session, and also specify which of the Standing Orders of the House it might be safe to dispense with. It would, in his opinion, be highly imprudent to create such a precedent as that which would be established by the Resolution of the right hon. Gentleman; and, therefore, he should move as an Amendment that which he had just read.

Viscount *Howick* could not think that the right hon. Baronet's Amendment would meet the object which it was desired to effect. If the Resolution of his right hon. Friend near him was too narrow in its terms, there would be no difficulty in enlarging it. His right hon. Friend had stated truly that it was desirable to give the parties promoting Railway Bills some guarantee on the part of the House, that those Bills which had received the sanction of the Committees, and had been reported to the House, should come forward again next Session without any fresh expense and without any loss of time; for, if the contending parties were made aware of the fact that the lateness of the period at which Railway Bills were reported to the House would be no bar to their being placed in the same position in the next Session in which they were when the House was prorogued, that would have the effect of stopping at once that vexatious opposition which was at present raised in the hope of defeating those projects, by delaying the reports on them. But the Amendment of the right hon. Baronet gave no such pledge to the parties, and consequently it did not answer the object which it was desirable to effect. If the right hon. Baronet were to withdraw his Amendment as far as the first Resolution was concerned, and suffer that to pass, the right hon. Baronet's Amendment might be appended to his right hon. Friend's second Resolution with excellent effect. He understood the right hon. Baronet to state that he did not object to the first Resolution; and therefore there was no difficulty in adopting the course he suggested.

Lord *G. Somerset* said, that the noble Lord had assumed as a recognised fact, that the opponents alone of the different Railway Bills were the causes of the delay in their progress before the Committees. Such was not the case. He had observed frequent instances in which the mass of superabundant evidence brought forward by the agents for the Bills had caused the

slow progress of those measures. He thought the House was not justified at so early a period of the Session in assenting to an abstract Resolution, professing, as that of the right hon. Gentleman did, to be founded on a fact which was not in his opinion substantiated. It was far from his wish to see the House pledge itself to a particular course by adopting such a Resolution.

Sir *G. Grey* said, that the Resolution of his right hon. Friend had been before the House for a considerable period; and every one had an opportunity of making himself acquainted with its purport. The Amendment of the right hon. Baronet had only that instant come to their knowledge, and yet they were called upon to decide immediately in favour of it, although they had not had an opportunity of weighing well its purport. The time was come, he admitted, at which the parties to Railway Bills ought, in justice, to know what the intentions of the House with respect to that branch of legislation were. The Amendment proposed by the right hon. Baronet, merely went the length of saying that it was expedient to inquire what ought to be done. He could not accept such a proposal in lieu of the Resolution of his right hon. Friend. If the right hon. Baronet would give a pledge on the part of the Government that something should be done to obviate delay and expense to the parties who might be shown to merit such consideration; and if he would state that the business of the proposed Committee would be to inquire who the parties were that should be considered to be so entitled to future indulgence, then he should be satisfied, and should admit that to be a just and proper course. He suggested, that the words "should have been reported" be left out of the Resolution, and the words "wherein due diligence has been used," should be inserted instead.

Sir *R. Peel* said, that the right hon. Gentleman had proposed for the adoption of the House a most uncommon Resolution, namely, that the House should give an assurance to certain parties interested in railway projects that their Bills, if reported upon within a certain time, should have certain advantages during the next Session. He could not assent to such a proposition; but he did think that the House was called upon to do something in the matter. He was not prepared to establish such a precedent as that which the Resolution proposed would create. But the Committee proposed by his right hon. Friend might inquire into the course which it was just to adopt, and point out what precedents it would be right to establish in this respect, whilst its appointment by the House would give a strong indication to the public of the desire which was entertained on their part to do justice. Before, however, they could act upon this desire, some evidence must be adduced of the propriety of so acting; and the best way of proceeding was by a Committee, which should examine and report upon each case in order to show that unusual circumstances had interfered to impede the course of the private business. But, in the absence of any such formal preliminary inquiry, he could not consent to grant such a precedent as that which the Resolution would undoubtedly create. The very act of appointing a Committee was an admission that very great peculiarity was observable in the cases under consideration, and that the parties must first make out their claims to consideration before they could be allowed. He hoped, therefore, as there really existed so slight a difference between the spirit of the right hon. Gentleman's Resolution and that in which the Amendment was framed, that the House would adopt the course of proceeding recommended by the Amendment, and assert thereby the principle, that neither vexatious delay nor uncompromising opposition to a railway project would have the effect of ultimately proving successful in marring the success of such Bills.

Mr. *F. T. Baring* said, that as the only object in view on both sides was to do justice to the parties interested in Railway Bills, the intention of the right hon. Baronet's Amendment could not, for a moment, be called into question, except in so far as to whether it accomplished the object in view. He thought the Committee might with great advantage commence its labours immediately, and report from time to time its decisions upon the cases as they came before it, without delaying until the inquiry and Report were completed together. He thought also the Government ought to endeavour to save the time now consumed in the Committees on the Railway Bills, by framing some regulations under which the evidence *pro* and *con*, with respect to the

gradients and to the traffic on the proposed lines, might be collected beforehand, and submitted to them in a mass.

Mr. *Labouchere* said, as there did not appear to be any very material difference between the right hon. Gentleman the Vice President of the Board of Trade and himself, he did not feel inclined, particularly after the speech of the right hon. Baronet the First Lord of the Treasury, to resist the Government proposition. He thought that the object which he had in view would be gained by the Government proposition, and he would therefore withdraw his Motion. With regard, however, to the appointment of a Committee, he must say, that his experience of Railway Committees of that House induced him to request the Government to consider, whether a well-digested scheme brought forward by them upon their own responsibility would not be much more likely to prove satisfactory than anything that could result from a Committee.

Mr. *W. Patten* suggested, that whether the Government or a Committee undertook the subject, whatever was done should be done in the present Session. The existing delay had not so much arisen from the parties concerned as from that House itself, which spent about six weeks at the beginning of the Session in laying down rules for the conduct of private business. It was, he thought, of the greatest importance that the measure should be prepared this Session, that every one might know what course they should have to pursue next Session. It was known that 100 new Bills were ready to be introduced next Session, and unless some measure were prepared now they would be in the same difficulty next Session as at present.

Sir *R. Peel* thought it would be better to appoint a Committee of the most active Chairmen of the present Committees, who should, if possible, lay down some rules in the course of the present Session for the guidance of parties concerned in railway business.

Lord *Worsley* expressed his opinion that a good deal of delay and inconvenience had been occasioned by the mode in which some of the lines had been grouped. He knew that his own county had suffered much inconvenience from the circumstance that lines running east and west through Lincolnshire into the manufacturing districts had been grouped with the Cambridge and Lincoln, the London and York, and lines running from south to north. Those lines running east and west could not by any possibility obtain a hearing until very late in the Session, in consequence of having been grouped with those other lines.

Motion and Amendment withdrawn. The Amendment was then put as a substantive Motion, and agreed to.

CHANNEL ISLANDS—DISTILLATION.] Mr. *Labouchere* wished to put a question, of which he had given notice, to the right hon. Gentleman the Chancellor of the Exchequer, which was of great importance to the inhabitants of the Channel Islands. He understood that it had been, for some time past, the habit of persons in those islands to manufacture spirits of materials of British growth, and to import them into this country by paying the Excise duty only. That had been stopped of late by the right hon. Gentleman. A Report of the States of Jersey, who appeared to have carefully considered the matter, had been sent to him, and they declared that every means had been taken to discover whether or not fraud had been used in the manufacture of those spirits; and they believed that none had been committed, but that the spirit was manufactured from materials of British growth, and that the inhabitants had, therefore, the right to import it upon paying the Excise duty. He wished to know of the right hon. Gentleman, if this statement were correct, why the delivery of those spirits into the dealers' stocks in this country had been prohibited?

The *Chancellor of the Exchequer* said, that though Gentlemen acquainted with the Excise law and its different bearings must be aware how difficult it was to answer questions upon its several provisions, yet he should endeavour to explain as clearly as he could the nature of this case. The practice of introducing spirits from Jersey was of very recent growth, and was commenced by a gentleman who established a manufactory in Jersey. Under this Customs' law, spirits manufactured from materials the growth of this country were admitted into this country upon paying the Excise duty; and in the case of plain spirits, no difficulty existed in the Excise giving permits on the admission of those spirits into the dealers' stocks; but the Customs' law specifically described that compound spirits, in addition to the duty levied by the Cus-

toms, should be subject to the regulations of the Excise. The spirit from Jersey was called British brandy, and was a compound spirit. For the same reason, such spirit coming from Scotland or Ireland would not be admitted into the stocks of dealers. Seeing, however, that the Excise refused to admit this British brandy, the parties importing complained to the Treasury, and, as it was the first case, the Treasury decided that they would allow that particular lot which had then been introduced to be taken into consumption; but they gave distinct notice to the importer and to all the parties of the real state of the law, which prohibited compound spirits coming from Jersey being admitted into the stocks of dealers. The question at issue was merely as to the construction of the Act of Parliament; and upon the refusal of the permit by the Excise, an application was made by the parties for a *mandamus* to compel the Excise to admit it into the stocks of dealers. The Court of Queen's Bench refused to grant the *mandamus*, and it had been, therefore, clearly established by law that those spirits could not be admitted. At the same time he thought it was desirable that there should be some alteration in the existing law, and the question was now under the consideration of the Treasury.

PRIZE MONEY—CHINA.] Captain *Berkeley* wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether, having rewarded our Plenipotentiary and many of the officers engaged in the Chinese war for the services which they there had rendered, it was the intention of the Government to withhold the prize money from the common soldiers, sailors, and marines, contrary to the invariable custom on such occasions; and whether the same course was to be pursued with Sir Charles Napier's army in Scinde?

The *Chancellor of the Exchequer* said, that those who had attended to the causes of the Chinese war, and to the manner in which it had been undertaken, would know that there was no declaration of war and no prize act in that case, and that the property taken was consequently used as a fund for compensating British residents who had suffered losses in consequence of the war, and for compensating the Government for what they had done; strictly speaking, therefore, there could be no prize money. When Sir H. Pottinger proceeded to Canton, he directed, not that "prize agents" should be appointed (that, under the circumstances, would have been impossible), but that "public agents" should be appointed to take charge of the property which fell into the hands of the British forces. The property so taken, when reduced to money, amounted to about 110,000*l*. The Government, on receiving the first instalment for the ransom of Canton, thought it just that remuneration should be made to the captors, and accordingly a grant of batta was made to them, under which the troops and seamen received amongst them 153,000*l*. At the termination of the war the Government again thought it just and right to propose that they should participate in another grant which amounted to about 255,000*l*. It would, therefore, be seen that the liberality of the Crown had been exercised on two several occasions to the extent of 415,000*l*. With respect to Scinde, the question had only been recently brought under the consideration of the Treasury, which was in communication with the Board of Control on the subject. He was not, therefore, yet prepared to answer the hon. Gentleman's question as regarded Scinde.

DON CARLOS.] Lord *J. Manners* wished to ask a question of the right hon. Gentleman at the head of Her Majesty's Government in reference to Don Carlos. When he put a similar question last year, it was stated that as long as Don Carlos maintained his pretensions to the Spanish crown, the British Government would not interfere. But Don Carlos having waved his right to the crown, he wished to know whether the English Government were prepared to make any representation to the Government of France to promote the release of that illustrious individual?

Sir *R. Peel* said, he had to state, since the noble Lord had given notice of his intention to ask his question, a communication had been received from the French Government by the British Government, in which an official announcement had been made of the resignation of Don Carlos in favour of his son, and that Don Carlos had made an application for a passport to enable him to leave the place where he at present resided, which he had found prejudicial to his own health and that of his family, and retire to the neighbourhood of the Pyrenees. The French Government had intimated that this re-

quisition had been complied with, and no opposition had been offered to the application by the British Government.

THE CASE OF LIEUTENANT HOLLIS.] Mr. *B. Escott* wished to put a question to the noble Lord the Secretary of the Board of Control. Since he (Mr. Escott) put the question to the hon. Member for Beverley (Mr. Hogg) upon the same subject, he had received information which went to prove the hardship of the case of Lieutenant Hollis. The case of that injured man, in one word was this—that he had been illegally dismissed from the service of the East India Company. The Court of Directors did not deny that he had been illegally dismissed. They admitted it, and they gave him a small pension in consideration of it—a pension, however, altogether insufficient for him to live upon. But while doing this, they refused to enter into a full inquiry into the case, or to restore him to his situation in the East India service. If this were the case of a great and wealthy man, he (Mr. Escott) should say nothing of it in that House, for if the East India Company chose to dismiss any of their great public servants, and if those great public servants chose to concur in their own dismissal, and thus become, in some degree, assenting parties to their own degradation, that was a matter with which he should have no concern; but in the case of an humble and unprotected individual, without influence or friends, when such a person was summarily dismised by that powerful body, the East India Company, for no reason whatever, then he (Mr. Escott) would maintain that this House, or some other competent authority, were bound to step in and teach the East India Company that they were not to trifle with the rights and privileges of Her Majesty's subjects. The question he wished to ask the noble Lord was, whether the Board of Control had taken care to inquire into the case of Lieutenant Hollis?

Viscount *Jocelyn* said, that the decision respecting the case of the dismissal of Lieutenant Hollis had been before the Board of Control, and they concurred in the sentiments of the Board of Directors; but the hon. Gentleman should be aware that the Board of Control had no power to interfere in the matter.

Mr. *Hogg* said, that the Court of Directors had made no such admission as was alleged, as to the illegality of Lieutenant Hollis's dismissal. What he on a former occasion stated, and that distinctly, was, that it was not within the province of the Court of Directors to form an opinion as to the legality or illegality of that dismissal; that it rested, as it ought to rest, for the good, and even for the salvation of the service, exclusively with the military authorities, and he hoped it never would be otherwise.

Subject dropped.

HEALTH OF TOWNS (IRELAND).] Viscount *Clements* said, that a very valuable Report had been made by the Commissioners of Inquiry into the State of Large Towns and Populous Districts in England. The right hon. Baronet must be aware that the towns in Ireland were increasing, as well as the population, and that the habitations of the bulk of the people were of the worst possible description. He, therefore, begged to ask the right hon. Gentleman (Sir R. Peel) whether there would be any objection to extend that Commission of Inquiry?

Sir *R. Peel* said, that as the evils of all great towns partook so very much of the same character, he hoped that it would be possible to pass a measure on the subject relating to the health of towns generally, which might be made to extend to Ireland, without the necessity of going through any preliminary inquiry in that country.

SCOTCH BANKS.] On the Order of the Day for the House to go into Committee on the Banks (Scotland) Bill, having been read,

Mr. *P. M. Stewart* rose to oppose the progress of this measure. He knew of no adequate reason why Her Majesty's Government should have ventured to touch the present system of banking in Scotland, which was acknowledged to be one of the best, not to say perfect, establishments of the kind that existed. But this was no new attack on the monetary system of Scotland; and, although coming, as it did, before them, recommended by its merely negative character, it assumed not quite so dangerous an aspect as a more direct measure might have assumed: still its tendency was such as to make it the duty of every one connected with Scotland to express their opinion upon it; and if that opinion should be in accordance with the opinion of the people of Scotland, he was certain that it would be for the entire rejection of this measure. The system of Scottish banking had been supported by the opinions of the

most eminent men of that country, from Hume down to the great authorities of the present day. While in other countries the greatest disasters had befallen the unsound system on which banking had been established, the Scotch system had been uniformly held up as a model to be universally adopted. He might quote the opinions of the right hon. Baronet himself on this subject; for when, in 1826, an attempt was made to interfere with the currency system of Scotland, the right hon. Baronet not only deprecated any change in that system, but even any inquiry into it. The Motion for a Committee of Inquiry was also resisted by all the great Scotch authorities on that occasion, and no one spoke so forcibly on that subject as the present noble Secretary for Foreign Affairs. He would not trouble the House with any quotations; but there was one uniform tone at that day deprecating all inquiry, as being calculated only to do evil. Since then, the banking system in Scotland had certainly not become worse. On the contrary, it stood now as then; and they had yet to learn what fault was to be alleged against it, and in what way it was proposed to amend that system. The proposition was objected to at the time by Lord Lauderdale; but the system went through the fiery ordeal of two Committees, and what was the result? Nothing could be so conclusive as the Reports of those Committees, both of Lords and Commons, in proving that mischief would ensue, and no good could be hoped for by meddling with the Scotch system of banking existing at that period. Up to this moment the Scotch Members had been perfectly silent upon the subject. And now, in the short period of an hour or two, they were called upon to discuss this important question, or still preserve the silence they had hitherto kept. He would say that the Scotch Members would be wanting in their duty to Scotland, if they sat by with their hands folded, and allowed any interference with the system of banking in that country. When it was proposed to abolish religious tests in the Universities of Scotland, they were told to wait and ascertain what was the opinion of the people of Scotland on that subject; but in reference to this question concerning the banking system, no opportunity had been given to consider what were the opinions of the people of Scotland respecting it. Up to the April meetings—the great county gatherings—there was nothing to be submitted to the people of Scotland upon this subject, except the opening statement made by the right hon. Baronet. It was, however, his firm conviction that there was not a single enlightened individual in Scotland before whom that statement might come, who would not respectfully, but firmly, deprecate any change in the present system of Scotch banking, unless much better grounds for such a change could be advanced than those which had been brought forward by the right hon. Baronet. Under that system, Scotland had risen from being a poor country to one that was comparatively rich. At the great Edinburgh meeting, the other day, there was only one dissentient voice to the general expression of opinion in favour of the Scottish system of banking. That one voice, it was true, was a noticeable one. It was nothing more than the voice of a retired goldsmith, who, in preferring gold to bank notes, might be fairly supposed to love the metal that had made him rich. It was the voice of the retired Speaker of that House—Lord Dunfermline. With that exception, but one feeling animated the people of Scotland, from one end of it to the other—namely, their attachment to one-pound notes; for, as the old poet said—

> "From Maiden Kirk to John o'Groats,
> We all prefer the one pund notes."

He wished to know why the system was to be applied to Scotland, and what were the results to be expected from it? One result he foresaw; for the ultimate aim of the right hon. Baronet (Sir Robert Peel) was, the suppression of all local and provincial issue, and to establish one national bank of issue. If he were mistaken, he hoped that the right hon. Baronet would say so, and he would never mention it again; if he were not mistaken, he begged the right hon. Baronet to consider how objectionable such a scheme would be in a financial and monetary, but especially in a political point of view. In the year 1840, which was the most disastrous year in Scotland, the circulation of the banks there was higher than in 1838, when there was great prosperity. The extreme circulation of notes in Scotland was 3,000,000*l.* or 4,000,000*l.*; and when there was a paid-up capital of 10,000,000*l.* and deposits to the amount of 30,000,000*l.*, what was the object of the change? As an instance of the mischiefs this change would produce, he might refer to three banks of rising business in the city of Glasgow — the Clydesdale, the City of Glasgow, and the Edinburgh and Glasgow. They were represented by a capital of

15,000,000*l.*, and their circulation under this Bill would be restricted to 320,000*l.* They were provident banks, and were, therefore, more valuable to the poor than to the rich; for a great proportion of the deposits was made up of the contributions of the lower classes. On these would fall the blighting influence of this Bill; and a country having a larger capital for the basis of banking transactions than any other country, in proportion to its population and wealth, would be limped and scrimped. Again, as the exchange days were Tuesdays and Fridays, and as the returns were to be made on the Saturday, all the exchange notes were out, and the parties would be liable to tremendous penalties. It would not be palatable to Scotland; it was objected to by the whole of Scotland; and this would be fully manifest before it went through another stage. It was an uncalled-for Bill; they could not make it better by aiming at an ulterior object; and if that object were not intended, he called on the right hon. Baronet to disavow it. Not a few of our best political economists had expressed a wish that the Scotch banking system should be applied to England, and some had held that to apply it to Ireland would be a remedy for many of the evils that arose out of her poverty. In the view he took of this subject, he was supported by the whole of Scotland; and upon this subject he wished to quote only one authority. That, however, was a great authority—the authority of the right hon. Home Secretary, in an opinion given when he was the political friend of many of those who still sat on the Opposition side of the House.

"Since (said Sir James Graham) we must have a free trade in corn, let us also have a free trade in money, and destroy that fatal connexion between the Government and the single chartered bank which facilitates the prodigality of Ministers, and invests an irresponsible body with the most delicate and important functions of State, the control of the circulating medium."

That quotation was taken from the last edition of an admirable work by an old Whig, called *Corn and Currency*, which he heartily recommended to the study of the present Home Secretary. He did not intend to conclude with any Motion, but to protest most strongly against the measure.

Sir *R. Peel:* I hope the hon. Gentleman will allow us to go into Committee with this measure. A late period has arrived, the 5th of June, and as it is of great importance that some progress should be made with this measure, I hope that the hon. Gentleman will content himself with entering his protest, and that he will not offer further opposition to the measure. The hon. Gentleman has not advanced a single argument against this measure; for he knows well that Scotland has been justly and favourably dealt with. The hon. Gentleman tries to raise a prejudice against the measure by saying tha it is the forerunner of the establishment of a single bank of issue. He tries to alarm Scotland by implying an opinion on my part that there should be only one bank of issue throughout the country; and that the circulation of Scotland should be extinguished, and the circulation of the Bank of England substituted in its place. Now, I will not permit this attempt of the hon. Gentleman to succeed. I never have given an opinion in favour of the establishment of a single bank of issue. If, indeed, I had to deal with the question as a *res integra*, I might establish a single bank of issue; but I know too well the difficulties in the way. I have had too many interviews with Scotch gentlemen not to be aware of the fact, that they would offer their most rigorous and determined opposition to a single bank of issue. I must, therefore, remove the apprehensions from the minds of the people of Scotland, that I contemplate that or any other interference with the mode in which the banking business in Scotland is conducted, or that any such interference is proposed by the present measure. The hon. Gentleman says that some doubt is yet entertained as to the success of the measure of last year. Every one who agrees with the hon. Gentleman will of course entertain such doubts. But let me tell the hon. Gentleman that it is quite clear he is of the old school of political economists, who think that the prosperity of a bank depends upon its paid-up capital. He says that certain banks have a paid-up capital of ten millions, and he proposes that their circulation should bear some proportion to its paid-up capital. Now let me say that nothing can be more unsound than that doctrine. There would be no security for the business of banking, if the principle were once admitted, that, without reference to the exchanges, without reference to investigation, and only by the establishment of a bank with a great amount of paid-up capital, there should be an issue of promissory notes. I dare say the hon. Gen-

tleman would think that that was quite safe, if a bank with ten millions of a paid-up capital should issue five millions of promissory notes. Now I can assure the hon. Gentleman that that is not the principle on which banks are established; though, of course, all who consider that that is the true principle must predict the failure of the Bill of last year. Now, Sir, what is the position in which I, as a Member of Government, now stand? About six or seven years ago, you became alive to the amount of evil which was produced by the unlimited issue of promissory notes. The Chamber of Commerce in Manchester attributed exclusively the evils which manufactures and commerce suffered, from the Bank of England encouraging the issue of promissory notes. You became impressed with a sense of these evils and dangers; and you appointed various Committees to inquire into the subject. The opinions of those Committees were in favour of placing some restrictions on the issue of notes. I do not know that they recommended it in their Report; but few persons could have attended the Committee without being impressed with the policy and necessity of establishing some guarantee against the recurrence of these evils. In the course of last Session I brought forward a Bill for the regulation of the Bank of England, prohibiting the establishment of new banks of issue, giving them the privilege, up to a certain amount, of increasing their paper circulation; and this Bill was received, I will not say unanimously, but with the general sanction of the House. One part of that measure applied to England; but there was another part which applied to the other parts of the Empire, prohibiting there, also, the establishment of new banks of issue, and there was not a word against that provision from the Scotch bankers. They were content with the prohibition against the establishment of competing banks of issue. There was not one word of objection heard from them when they got a restrictive monopoly of the circulation of the country; but when I come to apply the remainder of the measure to these parties—when I ask them to provide securities against abuse, then hon. Gentlemen begin to object. [Mr. *Stewart:* I objected last year.] I never heard a word of objection when the prohibition of other banks was made; and remember, that was at a moment when many new banks, tempted by the great prospects of that period, were preparing to enter into the field of competition. Many such projects I found established—some of them had got their shares paid up, and their notes actually printed off, which were to enter into competition with the existing banks; while others again were in a state of great forwardness. I have attempted, without interfering with the general principles of banking as established in Scotland, to establish a principle with respect to the issue of promissory notes, which we have established over the whole of those respectable parties in England—the country and the joint-stock banks. I leave the House to determine whether or not this measure is too stringent and too unfavourable. I have protected the Scotch banks from competition—I have left them in possession of their present amount of circulation—I have permitted the amount of their promissory notes in future to be governed by their amount in the year that has elapsed, with a foreknowledge on their part that an alteration to some extent would probably take place, which was not afforded to the English banks, for they had no opportunity of learning the intentions of the Government. I have included in the year what is to determine the amount of their circulation, two periods when that circulation went to an extraordinary amount. The hon. Gentleman says that the measure is not known in Scotland. Sir, it was known before the meetings which took place last April. [Mr. *Stewart:* It was not known by the Bill.] No; it was not known by the Bill; but there is nothing in the Bill which is more unfavourable to them than what was contained in my speech when I explained this measure. These meetings took place; but there has not been a remonstrance from any one of these meetings. I believe the general sense of these meetings was that Scotland was treated as favourably as England. I believe they were under the impression that the measure was a perfectly fair and just one. But after that time the bankers held conferences together—large deputations came to London, and they have attempted to get as favourable terms for Scotland as they can. I believe that is the state of the case. There was a universal acquiescence in the measure at first; but now the bankers wish to get as favourable terms as they can. I think the terms are most favourable; I believe that they will operate for the advantage of Scotland; that

it will be for the advantage of Scotland, as well as for the other parts of the country, to take precaution from such a state of things as the country formerly suffered from. [Mr. *Stewart;* Not Scotland.] I think I could show that Scotland has also, by abuses in its banking system, sustained great evils. I think I could show that there was a period when the country was not benefited by the facilities for credit which their system of banking afforded. The hon. Gentleman says that if there were the same system of banking in England that there is in Scotland, every thing would be prosperous. I say, Sir, that if there were the same system of banking in England as in Scotland, everything would be ruined. The reason why England is able to maintain its system of banking is, that England has adopted another course. A great country, having taken measures to secure a sufficient supply of gold, may permit, in a distant part of the Empire, with a more limited amount of commerce, a different system of banking to prevail with security. But the security of the system which prevails in Scotland rests in the amount of gold in England, and it is this which enables Scotland to dispense with an amount of bullion in proportion to its circulation; which, and not the solvency of the banks, ought to be the foundation of the promissory notes. I am not surprised that Scotland should wish to be exempt from this—I am not surprised that Ireland should wish the same; and I do not say that it may not be possible, by taking the whole expense of maintaining a gold currency upon this part of the Empire, that another system may not succeed in other parts of the Empire. But I do say that it is just that the burden should be borne in equal proportions by all parts of the Empire; for I believe that that alone constitutes the real foundation of a safe issue of paper. I do not ask from Scotland that it should bear more than its fair share. I know the feelings that prevail in Scotland. I know that, generally, the banks in that country have been conducted in a manner most creditable to all connected with them; I think that their system is preferable to that which prevails in this country; but I see no reason why, in the use of an extended issue of promissory notes, the banks, with their immense amount of paid-up capital should not have a small amount of *bonâ fide* gold currency to provide for its future increase. That, Sir, is an outline of the measure. I think that Scotland has not been dealt with unfavourably. I hope that those who received favourably the details of a measure they offered to the country banks and the joint-stock banks in England, will admit, that after these Scotch bankers have got a monopoly of issue, and are freed from all competition, a just regulation of their issues ought to be applied, which, whatever the hon. Gentleman may think, I consider to be a point of policy, which, so far as I can judge, is confirmed by every day's experience that passes over the country.

Mr. *P. M. Stewart* explained, that he did not hold the opinion that a bank was entitled to issue paper commensurate with its paid-up capital, but that such a capital was one element for consideration in the claim of a bank to extend its issue.

Sir *R. Peel* had understood the hon. Member to express a hope that the three banks in Scotland would be allowed to have a currency more nearly based upon their immense paid-up capital.

Mr. *Hume* said, there was nothing in this Bill binding the House to one bank of issue, and the discussion ought to be confined to what the Bill really stated. It was an absurd and obsolete doctrine that banks could issue notes as they pleased; it could not be done profitably; the paper would come in again directly, if sent out. When banking was free in Scotland (as it was before the right hon. Baronet interfered with it), there could not be an amount of paper issued for any period exceeding a few days beyond what the commerce of the country required, especially with the exchanges twice a week. But, owing to the peculiarities of that country, an increase took place at certain periods, when notes went into the Highlands to buy cattle; and Scotland would be injured if that expansion could not take place at certain times; the year's average would not meet this. The right hon. Baronet had stated that he would not deprive Scotland of her present circulation, but would only adopt the regulations necessary to prevent excess; but, unless the measure were modified to allow of an expansion of the circulation in October, the right hon. Baronet would be doing what he had promised not to do, and the banks would not be able to issue what they had been issuing hitherto. Subject to this remark, he (Mr. Hume) agreed that the currency of Scotland was adequate. Another defect in the Bill was in

that part which provided for the amalgamation and union of two or more banks, allowing the new one to issue what was the aggregate currency of them all. Suppose one of those banks to fail—[Sir *J. Graham*: They never do]—perhaps the Ayr Bank, long before our time, was the last; but it was a possibility, and should be provided against—there was no provision for filling up that gap in the currency. The whole currency of the country would become, therefore, diminished and interfered with; whereas the right hon. Baronet contended that it would not be so. The alteration of the Bill in the two points he had mentioned would be satisfactory; and if so amended, he should be prepared to agree to the measure.

Sir *W. Clay* understood that the circulation of Scotland was 3,000,000*l.*, and that the paid-up deposits in the banks, which might be accounted in some measure a circulation too, was 30,000,000*l.*; while the bullion actually in Scotland was not more than 600,000*l.* or 700,000*l.* Now, suppose Scotland was an independent country, would it be safe to go on with such a state of things? He did not believe that any man would venture to say so, for the result would evidently be, in the adverse period of exchanges, that they must either alter their system, or suspend cash payments. The truth was, that Scotland leaned completely on the safer and sounder system of England. The holders of notes in Scotland knew that they could at all times find specie in the coffers of the Bank of England; and the holders of Scotch notes were anxious to derive profit from the issue of their paper—leaving it to England to provide the security. ["No, no."] His objection to the Bill was of precisely an opposite kind to that taken by the hon. Gentleman. Far from thinking that it interfered too much, he thought it interfered too little, with the Scotch system; and he deeply deplored the fact that the state of public feeling in Scotland would not permit the right hon. Gentleman to carry out his own principles of suppressing altogether the small note circulation. But, as he was of opinion that the measure was, on the whole, a good one, it should most assuredly have his support.

Mr. *Hawes* must again express his entire disapproval of this measure. No proof whatever had been offered that the banks of Scotland required any such restriction or regulation as that proposed in the present Bill. Upon what ground, then, was it to be applied? The Scotch bankers were content, and so were the people of Scotland; and it had not been shown that the existing system concerned any one else. Why, then, interfere? Did the right hon. Baronet mean to rest the present measure on the reasons assigned for restricting the operations of the English banks by the Act of last year? Surely, before the same remedy was applied, some evidence should be adduced that the same evils existed in the two cases. But it was not so. Whatever might be the defects of the Scotch system of banking, it was not liable to the abuses which, it was alleged, the English Bill was brought in to correct. And even admitting that what was good in one country might also be good in the other, it had yet to be shown that the restriction applied in England, would work beneficially even there. The right hon. Baronet, on introducing this Bill, observed that, as far as he might judge from experience, he had a perfect right to be satisfied with the measure he had adopted, and that its working had hitherto been decidedly in favour of its policy and justice. But he (Mr. Hawes) had given some attention to the operation of that Act, and he could not agree with the right hon. Baronet. He was not prepared to say that the circumstances of the past year had been such as fairly to test that measure; but so far as the experience of so limited a period enabled him to form an opinion, he considered that nothing had yet been done to show that it was likely to be of the slightest use, or, indeed, productive of anything but evil. It had not operated in the manner predicted by its advocate, nor did he see any probability of its warding off any of the evils of the old system, whilst it might produce much greater. Experience had not yet established the validity of the principle on which it was founded; it could not, therefore, be appealed to as justifying any extension of that principle. Its avowed object was to cause the bank-note circulation to fluctuate with the bullion in the bank—to increase and decrease constantly with it—and, in short, to regulate the exchanges by a self-acting increase or diminution of the notes in the hands of the public. But had any such effect been produced? He had examined the returns made by the Bank, and could discover no evidence of it. Whatever law the fluctutions obliged, it was certainly not the one

laid down by the framers of the Act. Take the return of 21st September, 1844, a few weeks after the Act came into operation. The circulation was then 19,708,000*l.*, and the bullion 15,158,000*l.* Four weeks afterwards the circulation had risen to 21,320,000*l.*, an increase of 1,600,000*l.* But had the bullion increased too? No; that had not even remained stationary. It had fallen to 14,096,000*l.* So that while the circulation rose, the bullion fell, nearly to the same amount; which was exactly what the Act was intended to prevent. Similar results appeared in the variations, monthly and weekly, throughout the year. He need not go through them, and would only state, further, that in March last, when the circulation had again fallen to 19,700,000*l.*, the bullion had risen to 16,200,000*l.*; showing conclusively, that the restriction had not produced any correspondence between the movements of the bullion and those of the paper circulation. It was also said that the measure would check speculation. But here the anticipations of its advocates had proved equally fallacious. During the past year, not only had there been no want of speculation, but it had prevailed to an extent to which there had been nothing similar in this country for many years. If an unparalleled extension of speculation in railways, in iron, and in projects, some of them apparently of the most visionary description, was among the evils to be prevented by these new restrictions on banking, they could not have failed more signally. He found, on reference to a list recently deposited in the Private Bill Office, that the amount which the public had already been invited and authorized to invest in railway and other projects, under the sanction of Acts of Parliament of the present Session, exceeded 128,000,000*l.* To this must be added a large sum for English capital invested in the numerous foreign railway schemes, besides a multitude of other projects advertised in the public papers, the nature and extent of which were not so easily ascertained. At the same time there was no contraction of the ordinary channels of employment for the capital of the country. He found the aggregate amount of exports and imports steadily and rapidly increasing. The official value of our imports in the year 1842 was 65,000,000*l.*; in 1843, 70,000,000*l.*; and in 1844, 75,000,000*l.* He found the declared value of the exports of British produce during the same years to have been, successively, 47,000,000*l.*, 52,000,000*l.*, and 58,000,000*l.* There had never, in fact, been a period in the history of this country during which there was a greater opening for the profitable employment of money; the Bank had never had stronger motives for exerting the power which the right hon. Baronet always assumed that a bank of issue possessed, of extending her circulation at will. Yet what had been her position during the last year? Not only had she failed to reach the limit imposed by the Act of last year, but she had at no time approached within 6,000,000*l.* of it; and consequently had never had less than that sum lying idle in the banking department. What imposed the limit in this instance? Not the right hon. Baronet's Bill; but that which, being once fairly established, as it is in this country, rendered any restriction unnecessary — the liability to pay in gold, which took altogether from the Bank the power of fixing the amount of its note circulation, and placing it in the hands of the public. It was the perfect convertibility of the notes which had produced this effect. [Sir *R. Peel:* Hear!] But this did not depend upon the right hon. Baronet's restriction. It existed as perfectly before. The public did not require more notes of the Bank; that was the true limit—the only one to be depended upon, and the only one that would ever be found to operate without doing more harm than good. He desired to be distinctly understood. He did not object to convertibility, or to any measure that could be shown to make it more perfect, prompt, or certain. On the contrary, he considered it the one thing needful; and objected to these restrictions because he believed that while they added nothing to the present security for convertibility, they were extremely likely to endanger it, and that precisely at the periods when it would be most needed. There was, then, no evidence to be drawn from our experience of the Act of last year to justify further legislation on the same principle. They might, he admitted, proceed further on the same grounds, but they could not appeal to the evidence of the past in favour of what had already been done. But they were going to extend the measure of 1844 to Ireland and Scotland; and he had now to address himself particularly to the Scotch Bill. Now what was the history, and what was the present state of banking in that country? Did it indicate

any particular necessity for change—did it seem to call for modification or improvement — or was it such as to lead any reasonable man to suppose that any interference by the Legislature was likely to be of service? On the contrary, was it not well known that banking business in Scotland had always been conducted with unusual ability and caution; and with unparalleled and almost uniform success? Their banking system had suffered the severest shocks without failure. It had passed unharmed through the rebellions of 1715 and 1745 — the crisis of the French Revolution — the panic of 1825, and the crisis of 1835-6 and 1839. They had been told, on the introduction of the measure for restricting the English banks, that in England, during the five years from 1839 to 1843, eighty-two banks had become bankrupt, and that of these twenty-nine were banks of issue. Of these eighty-two banks, sixty-six paid less than 5*s.* in the pound. He had referred to the returns for Scotland, and he found that in that country, during the six years from 1839 to 1844, only two banks had become bankrupt, one of which paid 9*s.* 3*d.*, and the other 13*s.* 7*d.* in the pound. But what, he might be asked, was the peculiar merit of the Scotch system, which had rendered it so safe, and made interference so much less necessary than in England? In the first place, then, they had none but joint-stock banks. No restriction had, in that country, been placed upon the number of partners; and no privilege of any importance was possessed by one bank over another. They had not, therefore, been compelled, as we had been in this country, to choose between weak banks and none at all. The joint-stock bank system had there been allowed to take root and expand itself under free and open competition; and the consequence had been the attainment of a degree of economy and security in the use of the circulating medium far exceeding that in any other country in the world. And here he must observe, that had the attention of the Government been turned to the maturing and completing of the joint-stock system in this country, it would have been much better applied than in devising restrictions for a system which had made itself a model for others, simply by having hitherto entirely escaped restriction. The great merit of the Scotch system, then, arose from the early and judicious adoption of the joint-stock plan, with numerous partners, and a large paid-up capital. Some striking advantages had also been secured by the manner of conducting their banking business. By establishing numerous branches, and extending the use of deposits, allowing interest on the deposit of very small sums, and encouraging the use of drawing accounts, the bankers had made it the interest of the public to promote a quick reflux of their notes. The notes accordingly remained but a short time in circulation, being constantly and rapidly reconverted into deposits bearing interest. In Scotland, the average period during which a bank note remained out was about ten days—in England from six weeks to two months. The effect of this plan of aiding circulation by deposits was completed by the bankers receiving each others' notes, and exchanging them throughout Scotland twice a week. Here was unlimited competition; and if the principles upon which the right hon. Baronet was proceeding were correct, they ought to find it accompanied with all, or at least some, of the evils which were the alleged foundation of the Bill now before them. But was it so? If it was, he could discover no indication of it. The Returns of the Scotch circulation exhibited an extraordinary regularity. Its variations were extremely regular; and through a series of years, embracing many instances of serious disturbance in the mercantile transanctions of the country, the circulation had evidently been but slightly affected by any other cause than the regular recurrence, at particular seasons, of rent-days, fairs, and other similar periodical occasions for increased circulation. From the date of the earliest Returns in 1833, to the present time, it had invariably been lowest in March, and highest in November, in each year. The difference in its amount at these two periods had been, pretty constantly, about 800,000*l.*; and the greatest fluctuation which was recorded in the whole period of the Returns exclusive of this amount, was about 470,000*l.*, or 16 per cent. on the amount of the circulation. He need, therefore, scarcely say that it bore a very favourable comparison to the circulation of the Bank of England, the fluctuations in which, during the last five or six years, could not be estimated at less than 40 per cent. He had already referred to the comparative security of the Scotch system, and had shown that that afforded no ground for interference. It would not be said that

the banking accommodation now afforded in Scotland was insufficient, for it was notoriously greater than was afforded anywhere else. Nor could it be said that it was too large, for the commerce of the country had thriven, and there had been no appearance of danger, and no complaint whatever from any one concerned. Nor could it even be asserted that the system had shown any dangerous tendency. For the last ten or twelve years its course could be accurately traced by the aid of Parliamentary Returns;—and what were the results? Why, exactly such as those who wished well to the country and its banking institutions would most have desired. They saw the number of bank offices, and the amount of deposits increasing with the population and trade of this country. But while these increased, they saw the number of competing banks, and the amount of notes in circulation, not increasing, but diminishing. In 1826 there were thirty-two banks, with a total paid-up capital of less than 5,000,000*l.* Now, there were only twenty banks, with a paid-up capital of fully 9,000,000*l.* In 1825, the bank notes circulating among a population of about 2,150,000, amounted to 4,680,000*l.* Now, with a population increased by at least half a million, the circulation seldom reached to 3,500,000*l.* And it was not too much to say that the trade of the country had been nearly, if not quite, doubled in the interval. Here again, too, a comparison with England was strikingly favourable. Judging from the most recent available information, it appeared that the proportion of bank offices to population was about twice as great in Scotland as in England. And, deducting the Scotch notes under 5*l.*, which were represented in this country by gold, the bank note circulation, which in England averaged nearly 40*s.* per head on the entire population, did not, in Scotland, exceed 10*s.* per head. The explanation of this difference was obvious—it resulted from a better system of banking; and chiefly from a more extended use of deposit and interest-bearing accounts in Scotland. It was now proposed partially to carry the English system into Scotland. He believed the wiser plan would be to leave the Scotch system alone, and afford every facility, by the removal of existing restrictions, for the gradual introduction of the Scotch system into this country. Banking in England had been perverted from the first by the influence of monopoly. The right hon. Baronet had now introduced more monopoly; and, before he saw the effect, he wished to extend it to Scotland too, where, hitherto, they had escaped its evils. But his restrictions were founded upon false principles, and would be found ineffectual in practice. They might do great mischief; but they would not attain the object aimed at. The right hon. Baronet would find that whenever his Bill should actually restrict the accommodation required in one direction, it would very soon be obtained in another. He dealt only with banks of issue; he said, "Look after the bank notes, and the bills of exchange will take care of themselves." But to restrict notes would not restrict bills of exchange. Quite the contrary. It would give an undue stimulus to their circulation. This was showing itself in England, where the restriction on the issues of the country banks, operating in a time of great commercial activity, had already caused an increased use of bills of exchange, of small amount especially, as a medium for the advance of capital; if not, indeed, as a subsidiary circulation. The introduction of the same system of restriction or regulation into Ireland, was equally objectionable, though on different grounds. He could not see why an arbitrary restriction—an empirical rule—should be applied to the circulating medium of that country, unless they were prepared to contend that its commercial resources were already fully developed, and in a state of complete activity; and they were also in a condition to establish the exact proportion which the circulation of bank notes ought to bear to any given condition of trade. Were this so, there might be some ground for assuming that the precise period had arrived at which it was proper to limit the circulation for all time to come. But he did not anticipate that the right hon. Baronet would go quite so far as that. He had examined the Returns, and found, as he had expected, that the progress of Ireland, of late years, rather warranted the conclusion that she would, before long, require a considerable increase of banking accommodation, and probably, as in Scotland, of bank note circulation. From 1831 to 1841 the advance made in the number of the population was barely 5 per cent., or from 7,760,000 to 8,170,000; while, during the same period, the net produce of the Customs' duties levied in the ports of Ire-

land, rose from 1,456,000*l.* to 2,244,000*l.* showing an increase of more than 50 per cent. The present system of banking in Ireland had all the faults of the English system; and it was peculiarly liable to the evils to be apprehended from the plan of restriction and regulation already established in this country. But with regard to Scotland, he considered the present Bill a most gratuitous and unnecessary interference on the part of the Legislature, which, if it operated at all, could only operate for evil. They had better, he repeated, take a lesson from Scotland, than seek to impose upon her the fetters which had been applied to our own defective system. Were a sound system of joint-stock banking established in this country, and the Scotch mode of management adopted, interest being paid on all deposits, and the use of drawing accounts extended, we should make a much more effectual provision against an excess of paper money, than by limiting the circulation according to the amount of gold in the coffers of the Bank. And if they were determined as they were doing, to keep up monopoly and restriction and all their consequences here, still he could not see why they should also be introduced into Scotland, where a system of free banking had so long existed, and certainly, as compared with that of England, had worked most successfully. Whatever might be said of the principles on which the measure was based, it was at least unnecessary with respect to Scotland, not a shadow of proof having been adduced that any of the evils supposed to be capable of remedy by such measures existed in that country. And were the banking institutions of Scotland as insecure and faulty as they were sound and well-conducted, he did not believe that this Bill could possibly effect any improvement. He wished it to be clearly understood that he did not entertain any doubt whatever of the absolute necessity of preserving the prompt and certain convertibility, at all times, of notes into gold. He considered that to be the only basis of a sound and safe paper circulation. But having secured that, which a properly regulated system of competition, such as already existed in Scotland, had been proved by experience to be best calculated to secure, he could not but consider all such interference as the present, on the part of the Legislature, entirely unnecessary, and partaking more of a fanciful love of uniformity, than a desire to be guided by the sound lessons of experience. It remained to be seen whether the laws regulating the trade in money were different from those regulating any other trade. Bank notes, bills of exchange, cash credits, loans, and advances on securities, were all merely methods of supplying the demand for money or the medium of exchange. If an Act of Parliament could exactly apportion the supply to the demand, secure the right amount, and prevent excess, then, indeed, further inquiry was called for, to ascertain whether an Act could not be framed to prevent excessive trading as well as excessive banking. Gold and silver, exports, imports, had all by turns been the subject of commercial legislation. But they had all, after long experience of the mischievous tendency of such legislation, been left to take care of themselves. Bank notes were now the favourite objects of our legislative watchfulness. He believed, however, it would be found that the old maxim of "laissez faire" was as applicable to banking as to any other branch of trade. He should, therefore, record his vote against the Bill.

Mr. *H. J. Baillie* said, that he should not have ventured to address the House, had it not been for the observations which had fallen from the hon. Member for the Tower Hamlets. The hon. Member seemed to suppose that the existence of the small note paper currency of Scotland, was in some way or other injurious to England; and he thus lent the authority and sanction of his name to that absurd cry which had frequently been raised, viz., why should Scotland be allowed to enjoy a privilege which had already been denied to England? In answer to that he would ask, why should Scotland not be allowed to enjoy this privilege, if it could be enjoyed without injury or detriment to England? But if the hon. Baronet the Member for the Tower Hamlets could show the House that the existence of this privilege in Scotland was injurious or detrimental to England, he, for one, would at once give up the question, and offer no further opposition to an assimilation of the currency of the two countries. But the fact was, that the question rested on totally different grounds as respected England and Scotland; and it was to that point that he wished to direct the attention of the hon. Baronet the Member for the Tower Hamlets and of the House. The people of England found by experience in 1825, that the system of banking which

existed in the country was a vicious one, and that it was unsafe and injurious, not only to the community at large, but also to the banking interests themselves. The panic that occurred in the close of that year, and the numerous failures that took place in various parts of the country, clearly proved to the world that the provincial banks of England had managed their business in the most reckless manner. The ruin and misery that resulted at that time, not less than eighty banks having failed in the space of three months, clearly proved that some altertion in the existing system was necessary, and, accordingly, the Government of the day merely gave expression to the general feeling of the country when, in the Session of 1826, they introduced the Bill for abolishing the circulation of 1*l.* notes in England. That was the remedy which was called for by the public, and which the Government adopted, as appearing to them the most advisable and efficacious. But what was the case in Scotland? There they had a banking system which they believed to be as perfect as it was possible that any banking system could be; and even Mr. Jones Loyd, who, it would be admitted, was not very likely to be a partial witness, described it in his pamphlet as, apart from currency, a perfect system of banking. That system had now existed in Scotland for more than a century, through periods of panic and of commercial distress—in times of internal rebellion and of foreign warfare, and yet a suspicion had never been raised in the commercial mind of Scotland as to its utility and safety. He might be permitted to observe here that the banks of Scotland had never, like the provincial banks of England, abused their privilege of unlimited issue. It had been shown by the hon. Member who had spoken last, that on the average of the last two years the circulation in Scotland, for a population of two millions and a half, was never more than 3,000,000*l.*, whereas in England, during the same period, with a population of 16,000,000, the circulation amounted to 30,000,000*l.* in paper currency, and to, he believed, about 30,000,000*l.* more in gold. That Scotland for the use of two millions and a half of persons, had a circulation of 3,000,000 sterling; whereas, England had nearly 60,000,000*l.* for a population of 16,000,000 So much in proof of the cautious manner in which Scotch banking had been carried on. With respect to the utility of that system, he might be permitted to allude to the great commercial prosperity of Glasgow, which during the last ten years had doubled her exports, great as those exports previously were. During the same period iron mines in the immediate neighbourhood of Glasgow had been brought into operation, producing not less than 1,500,000*l.* a year sterling; so extraordinary an increase of commercial and manufacturing prosperity, is without parallel in the history of civilization. This prosperity may, undoubtedly, be in part accounted for by the well known perseverance and industry of the Scotch people; but that industry could not have been brought into active operation, without the aid and assistance of a judicious and well-regulated system of banking. It was that system which the people of Scotland were so anxious to maintain. For his part, he confessed that whatever opinion he might entertain with respect to some of the minor details of the Bill, he would give his most cordial support to the measure brought forward by Her Majesty's Government; and he felt happy at having that opportunity of expressing, in the name of his constituents, his best thanks to the right hon. Baronet, that in dealing with this question he had not thought it necessary to disregard altogether the feelings, the opinions, and—if they liked to call them so—the prejudices of the people of Scotland in favour of the system to which they had been so long accustomed; but that he had, on the contrary, brought forward a measure which, while it would, on the one hand, give increased confidence and security to the public, would not, on the other hand, seriously interfere with the working of a system which the people of Scotland believed to have been mainly instrumental in promoting the prosperity and welfare of their country.

Mr. *C. Wood* said, he had not intended to address any observations to the House before going into Committee on the Bill, for the success of which he felt sincerely anxious; but after the objections which his hon. Friend had made to the principle of the Bill, he could not avoid offering some remarks on the subject of these objections. The hon. Gentleman commenced his speech by referring to the experience in the past year—of the effects of the Bill which had been made law in the last Session of Parliament. He (Mr. Wood)

would agree that nothing had occurred to enable them to form any opinion as to the working of the Act. But it should be remembered that the monetary position of the country, during the last year or two, was utterly unprecedented. The right hon. Baronet had most properly availed himself of the favourable opportunity afforded by the state of the money market, and of the exchanges in 1844, to pass the measure of last Session; but they could not form a sound opinion of its effect, until the monetary position of the country came round to the ordinary state in which it had existed before the present posture of affairs commenced. Until then the Bill of the right hon. Baronet could not come fairly into operation, or be fairly tried. There was only one conclusion from what had occurred since the passing of the Bill of last Session, on which they might be perfectly certain, and that was, that the right hon. Baronet would have been perfectly safe if he had fixed upon a lower amount of notes to be issued on security by the Bank of England, than that adopted. His hon. Friend the Member for Lambeth (Mr. Hawes) did draw a most extraordinary conclusion from the state of the money market for the last year. What were the anticipations and the apprehensions of the hon. Gentleman and of all who opposed the Bill of last Session, while it was pending before the House? Why, that the Bill was so restrictive, that it would impose so many impediments on trade, that all rise of prices would be prevented; and that the ordinary concerns of commerce could hardly be carried on: that a state of embarrassment and discouragement throughout the whole commercial world would prevail, which would produce the ruin of some, and the depression of all. But the charge which they now heard against the Bill was, not that it had caused embarrassment in the way before described, but that it had failed in placing any impediments whatever in cases where they were required, such as in the prevention of the gambling which had taken place in railway shares, as well in England and Scotland as abroad. In short, no one of the evil consequences which had been predicted at the time of thep assing of the measure had, in point of fact, been caused by the operation of the Bill within the last year. His hon. Friend was certainly not very consistent in his speech; for when he had got a little further he admitted the fact that the effect of the measure on trade was, after all, exceedingly trifling. That admission went to upset the entire of the argument on which the hon. Gentleman had relied last year; but he (Mr. C. Wood) believed that it was much nearer the truth. His hon. Friend then repeated the argument which he had used on the third reading of the Bill of last Session. He again argued that legal convertibility of paper money into gold was all that was required to preserve the value of the currency. The hon. Gentleman stated that in this he agreed with the principles laid down by Adam Smith and Ricardo; but the principles which he laid down differed wide as the poles from those of the two eminent economists to whom he had alluded. He was surprised, after the experience which they had in this country, and still more in America, that his hon. Friend should argue so strongly in favour of this doctrine. As long as a note for one pound was practically convertible into a sovereign, the value of the note was certainly the same as a sovereign. But that was not the question. An inconvertible note might be of equal value with a sovereign. Convertibility was by no means necessary to maintain the value of a note. It was notorious that for a certain number of years after the Bank Restriction Act had passed, Bank of England notes were not depreciated, though they were inconvertible. Mr. Tooke, and others, stated that up to about 1804, there was no further difference between the paper and gold. That was caused by the conduct of the Bank itself, in purchasing gold at 4*l.* per oz., when it might have been bought at 3*l.* 17*s.* 10½*d.* The question really was, whether an over issue of paper legally convertible might not depreciate the value of the whole existing currency paper, and coin for a time, until the evil was corrected by conversion of the paper, or export of the coin, or both; and whether, before this process was completed, there might not occur practical inconvertibility of the paper, a complete suspension of cost payments, and a depreciation of the standard. Without referring to other cases, it was completely shown that all these consequences might take place, by what actually occurred in the United States in 1837. The paper currency was all legally convertible, and they had books with every provision that could possibly be

adopted, in order to maintain the solvency of the banks and the convertibility of paper, and yet when the New York banks stopped payment, their example was followed by all the banks throughout the Union as quickly as the news could be carried by the mail coaches. A depreciation of 10 per cent. instantly appeared; but that could not be attributed to the stoppage, for it existed in cases where there was not the slightest doubt of ultimate payment. It existed equally before, from the enormous over issue of convertible paper, but was made manifest on the suspension of cash payments. What then occurred entirely overturned the theory and principle of his hon. Friend. He endeavoured, indeed, to escape from that conclusion, by attributing the event to the existence of small notes in America. No doubt, the small notes contributed largely to the over issue, but they were as much convertible according to law as the larger notes. Legal convertibility was the all-sufficient security on which his hon. Friend relied for maintaining the value of the currency; and when he shifted his ground, and attributed the suspension of cash payments in America to the existence of small notes, although they were legally convertible, he, in fact, abandoned his whole case; and his argument was particularly unfortunate on the present occasion, as small notes existed, and were to be continued in Scotland. It was the insufficiency of the mere legal convertibility of the bank note, under the Act of 1819, to preserve unimpaired the value of the standard, which rendered necessary the measure of last Session. In order to preserve the standard unaltered, it provided that the fluctuation of the paper currency should correspond with the increase or decrease which a currency of metallic coin would suffer under the same circumstances. This was stated as the correct principle given by a recent writer, Mr. Fullarton, who generally agreed with his hon. Friend. His words were—

"As a general principle, I am quite free to admit that the increase or decrease of a circulation of bank notes, from whatever cause it may proceed, ought to correspond with the increase or decrease which a currency of metallic coin would exhibit under the same circumstances."

There were various modes of attaining this object; and one of the simplest certainly was through the agency of one bank of issue, on which his hon. Friend the Member for Renfrew had been harping, and which was the great bugbear of last Session; but any one who looked at the Bill before the House must perceive that it was completely at variance with the principle of having but a single bank of issue. In the first place, the issues of every existing bank in Scotland were preserved to them; but further, if such a principle were established, the bank selected would, no doubt, be the Bank of England; but the right hon. Baronet distinctly provided in his Bill that the notes of the Bank of England were not to be a legal tender in Scotland. The right hon. Gentleman, in his measure of last year, as in those of this year, proceeded upon the principle of effecting his object with the least possible disturbance of existing interests, and conciliating those who might not unnaturally have been his strongest opponents. With regard to the Bank of England, he adopted the beautiful and simple suggestion of Mr. Jones Loyd, in separating the departments of banking and issue; he limited their notes issued on security to 14,000,000*l.*, and by fixing the issues of other banks at about 8,000,000*l.*, the circulation of paper in England and Wales, on security, was limited to 22,000,000*l.*, and the remainder of the currency would be gold, or paper representing gold, actually held in the Bank of England. Now the lowest amount of the paper circulation at any one time was in December, 1840, when it was 25,000,000*l.* sterling; and therefore there could be no fear of the currency, gold, or paper representing gold, in the country being less than three millions at the very least; so that all fluctuations in the amount must necessarily take place in the metallic part of the currency, or in that which represented gold. In England, therefore, the principle of the right hon. Baronet was fully carried out, and it now remained to be seen how far this was done as regarded Scotland. In the first place, however, he must disclaim saying a word against the Scotch bankers. In the former discussion, he never made any allusion to the conduct of the English banks as bankers, and he had now no intention of imputing blame to the Scotch banks. On the contrary, he thought they had a right to the most favourable testimony to the manner in which they had performed their duty. He did not think it possible to overrate their

merits; but he considered they were too much inclined to attribute all their successes to one or two measures. They attributed to their 1*l.* notes and cash credits all the advantages which, in his opinion, resulted from the general excellence of their system of banking. The Bill, however, only dealt with the issue of notes, and to that he should confine himself. He had already pointed out how in England the principle of making the fluctuations in the currency coincide with what they would be in a purely metallic currency, had been carried out by limiting the amount of notes issued on security, and by enacting that beyond that limit all notes should be issued on gold. The practical efficiency, however, of the measure entirely depended on the amount of the limit so fixed. In England, the limit was twenty-two millions; but if, instead of that sum, thirty millions had been taken, and all notes beyond that were issued on gold, the object would not have been attained, although, nominally, the principle could have been equally asserted. Now, in fact, what was done as regarded Scotland, was very much the same thing as if thirty millions had been the limit adopted in England. He did not underrate the value of having sound principle asserted in respect of Scotland; but, practically, the Scotch bankers, as a whole, would be utterly untouched by the Bill. The Scotch circulation for the year 1843, was about 2,730,000*l.*, which was the lowest yearly average, and the limit was taken at 3,060,000*l.*, considerably above the lowest yearly average, instead of being, as in England, considerably below the lowest monthly average. They had, besides, the most direct evidence of several Scotch bankers that the amount of the circulating medium was on the whole diminishing in that country; and there was every reason to suppose, that with continued experience and economy this would go on. The result was a considerable margin, within which the Scotch circulation might be increased without any reference to gold. Beyond this, by the arrangements in the Bill, the right hon. Gentleman gave the Scotch banks the opportunity of increasing the circulation of their notes beyond the amount specified, to the extent of the gold and silver coin, held at the head office of each bank. Now, the amount of Bank of England notes, and gold and silver coin, held by the Scotch banks altogether, had been estimated at one-fifth of their circulation. This on 3,000,000*l.* would be 600,000*l.* It was true that the whole of this was not held at the head office; but as their legal liability to pay in gold only referred to the head office, they might to a considerable extent concentrate their coin there. Assuming that they did this to the extent of one-half or two-thirds, the amount of gold so held on which they could issue notes, would, added to the margin to which he had already referred, enable them to increase the circulation by 500,000*l.* above the 3,000,000*l.*, that is, to make an addition of one-sixth to their circulation. He might be told that this was no large sum; but it was a large sum in reference to the circulation of Scotland. It would not be so in England. The hon. Gentleman opposite had said, that the circulation of this country was between fifty and sixty millions, of which about thirty millions was in paper, and twenty millions in gold. Now, an increase of three millions upon fifty millions would be no great sum; but an increase of three millions in Scotland would be doubling the circulation. He need hardly say that on this principle—and it was the correct one—the increase that he had named was a most disproportionate increase on the circulation in Scotland. It had been stated that great difficulty would arise from the circumstance that the payments in Scotland, for the most part, took place at two certain periods of the year. Now, he did not think so little of the skill of Scotch bankers as to suppose that they could not make an arrangement for periodical payments twice in the year, without rendering it necessary to give them additional powers to increase the circulation. He was satisfied that this could be done by an arrangement between the different banks; so that only a comparatively small sum would change hands. For instance, at the clearing house in London, it was well known that millions were passed in a day by the payment only between the different bankers of a few thousand pounds. Indeed, as his hon. Friend had said, this often happened almost without the intervention of bank notes at all. Of course, he did not mean to say that there would be any great increase in the amount of the Scotch notes; but there was nothing in the Bill to prevent the increase of them to the amount of 500,000*l.*, without a

single sixpence in coin being held by the Scotch bankers more than they held at present. It might be well, in the opinion of some Gentlemen, to rely solely on the discretion of the bankers; but this was not the principle of the Act of last year, or the principle avowed by the right hon. Baronet. He must consider that principle as very inefficiently carried out in the present measure; and he could not but think that the right hon. Baronet felt it to be so when he had answered him that the measure was the same as that applied to the English country bankers, who beyond t eir limit could only issue Bank of England notes held on gold, They were not allowed to issue their own notes on the gold and silver already in their possession, as the Scotch bankers were. If that permission had been given to them, they might have issued about 1,300,000*l.* more than they could now; and no doubt they would have considered this a great boon. He did not advocate such a step; but it showed the great difference between the English and the Scotch bills. Something had been said about the different degrees in which the Bill would affect different banks; and, in all probability, it would be so. That had been the case in England, especially as regarded the Lincolnshire banks; and, indeed, no general measure could be framed, which would allow of such a variation as was claimed for one bank of 60 per cent., or which would not press more hardly on some than on others. The measure, taken as a whole, he must repeat, was a very lax application of the sound principle; and did not at all carry out the views which the right hon. Baronet had developed in his opening statement. At that time, he referred to the great safety which, in his opinion, ensued to this country from the large amount of gold and silver in circulation; he saw nothing in this Bill that would tend in any way to increase the quantity of gold in Scotland. The right hon. Gentleman also stated the danger to the Bank of England, from its being exposed to a drain of gold on account of the Scotch banks. Hon. Gentlemen behind him seemed to consider this impossible; and he would, therefore, read the evidence of Mr. Horsley Palmer, given before the Committee of 1832. That gentleman said—

"The Scotch banks are banks of great credit and property; but whenever a demand arises upon them, they have not the means of meeting it without coming to the Bank of England. Even in the last fortnight, it is very currently stated, that the banks in Scotland had not the power of meeting the demand upon them. I believe Newcastle afforded some assistance; orders were also sent to Liverpool; and I know that a further supply went from London."

"In 1825, there were extensive demands made by the country bankers on the Bank—gold coin was sent out to every country town in the kingdom?—I believe so. Did not the banks in Scotland equally fall upon the Bank of England at the same time?—Certainly."

He would go no further into other years; this abundantly confirmed the statement of the right hon. Gentleman, and yet there was nothing in the Bill which tended to avert this danger. Indeed, so far as the Bill went, the enactment that a Bank of England note should not be a legal tender in Scotland, went to increase it. The Bill gave a monopoly of the circulation to existing banks—it placed the Scotch currency in perfect independence; and, in return for this, it took no further or sufficient guarantee for its being issued, or conducted on sound principles. More, undoubtedly, ought to have been done in this respect. He would not have touched the 1*l.* notes, to which the Scotch people were so devotedly attached, and many of the objections to which would be removed if the system of issue was placed on a sound basis; but there were other things which might have been done without inflicting any hardship upon anybody. It had been stated that Bank of England notes and coin, to the extent of one-fifth of their circulation, was held by the Scotch banks. This might have been rendered imperative by law; it would have created no difficulty to the several banks. Much more than that proportion was actually held by the Provincial Bank in Ireland; and it would have been no bad precaution as regarded less solid establishments. Conformably to what was done in England, the banks in Scotland might have been required to issue Bank of England notes, or their own notes on gold deposited elsewhere than in their own coffers, if they wished to exceed the limits fixed on their circulation. This would have put the issues of the two countries on the same footing, and in conformity with sound principles. He did not believe that the several banks would have objected to some such regulations; and he was convinced that they might have been effected with-

out in any way diminishing the accommodation afforded by the Scotch banks, or disturbing their usual operations. With the very large amount of gold now in the country, it was a most favourable opportunity for any measure of the kind; and such a facility might not occur again. He would not follow his hon. Friend into his observations on the Irish Bill, beyond saying that he was mistaken both in fact and in principle. He had complained of the check which would be imposed on the development of the natural resources of Ireland by limiting the number of banks, and by preventing the increase of the paper circulation beyond its present amount. Now, in the first place, the number of banks was not limited; and, in the next, the hon. Gentleman was the last person to maintain that the development of the resources of a country depended on an enlarged issue of paper; for the whole of his argument against interfering with the Scotch system of banking was based on his representation—which was perfectly true—of the manner in which they had contributed to the agricultural and commercial prosperity of Scotland, with a very unusually restricted circulation. In both respects, therefore, his hon. Friend was wrong; but it was much better to confine their attention to the Scotch Bill now before them, in the Committee on which several Amendments were to be proposed.

Mr. *Bouverie* observed, that the Bill for the regulation of the banking system had given satisfaction in this country, because it was felt to be required by the circumstances of our monetary system in England; but the case was different with respect to Scotland, where no such regulations were, in the public opinion, required, and no similar inconveniences and losses had been sustained by the system of banking adopted in Scotland. It could not be a matter, therefore, of surprise that the project of the right hon. Baronet, if applied to Scotland, should be met by decided opposition. They had introduced a new theory, and an experiment, in respect to the monetary affairs of this country; and they might yet learn to their cost, as the United States of America had unfortunately done, that the interference of the Legislature in matters of trade and commerce was not always productive of the beneficial results calculated upon by the promoters of that interference. The system, as far it had been tried, had not stood the test; for out of thirty-seven weeks during which the experiment had been made, there had been twenty-seven weeks during which the amounts of the issues of bank notes had varied in an inverse ratio to that which had been fondly anticipated and expected. It, perhaps, had been deemed by the right hon. Baronet that a period when, as had been found to be the case last year, the rage for speculation had never been equalled since the time of the Mississippi scheme, was the proper time to introduce some restrictions upon the issues of our banks. But the result would, in the end, prove that it was utterly impossible to prevent the extension of paper credit in proportion to the demands of our trade and commerce, irrespective of the restrictions imposed by the Legislature. Whenever the crisis which all apprehended and wished to guard against should arrive—and arrive it must—the result must be, that your bullion would find its way over the water, and your repressive system would be found to be wholly inoperative. If the House entertained doubts as to the soundness of the principle which it had adopted in legislating upon this subject, let the system be tested by watching its operation, before they rashly attempted to apply the same principle to the banking system in Scotland. His objection was the stronger, because he was persuaded that frequently it would be found to be inoperative as a means of repressing and controlling the issues; and where it was found to be operative, its tendency would be often mischievous.

Mr. *Muntz* said that, differing widely, as he was known to do, from the right hon. Baronet with reference to the currency of the country, he confessed he was surprised that the right hon. Baronet, having determined upon the principle which ought to regulate the monetary system of the country, did not carry out that principle further. The principle of the measure was a fixed standard with a bank note payable in coin upon demand. It was an anomaly, certainly, to find the 1*l.* notes allowed to be in circulation on one side of the Channel, as in Ireland, and not on the other. In respect to Scotland, it was in one respect a mere question of expense; as there must be a new issue of 5*l.* notes to take up and absorb the greater part of the 1*l.* notes, the residue being unnecessary to be paid at once, in

gold or in bullion. He confessed he could not see how any authority in the State, or even how the Legislature, could justify its interference in matters of credit generally, and say that bankers should not be at liberty to put into circulation a note or notes, so long as it is redeemable by a payment in the precious metals. So far, therefore, he should content himself with saying that he considered the condition of this country, with respect to the monetary system, a false one. He would agree with the right hon. Baronet, that all money in circulation should be money at a fixed value; but he would by no means agree that the Legislature had been, or could be, justified in fixing a strict limit to private credit in the instance of banking. Time, perhaps, alone would show who was right in the conflicting opinions prevailing upon the subject of our monetary system. The late Bill regulating our banking system, had made the condition of the banking system such as it now was; but he would not hesitate to say that, whenever the crisis came, and began seriously to operate upon prices, they would find that, despite all these precautions, the pressure upon the banks would be felt so seriously, that it would render this or any similar measure altogether ineffectual.

Mr. *F. T. Baring* asked, did the right hon. Gentleman imagine that he and those with whom he generally acted would have agreed to the Bill relative to banking passed last year, if they had not reckoned upon the principle of restriction of issues being carried out with respect to other monopolies, more particularly the bankers of Ireland and Scotland? He admitted the value of the principle upon which the Bill of last year on this subject was founded; but he was not prepared to acquiesce in the attempted inference of the right hon. Secretary for the Home Department, that a very large portion of the beneficial changes we were now enjoying, were the fruits of its adoption into our monetary system. Though disposed to give credit to the Scotch for the prudent sagacity they had displayed in the general conduct of their banking affairs, he was not inclined to leave to themselves the conduct of the whole monetary affairs of that country, liable, as they must be, to great changes, occasional pressure, and inconvenience. From Returns furnished to the House, the House might discover that the Scotch bankers had not always managed their issues with a prudent reserve, and a reference to the actual money and bullion known to be in the coffers of the Bank of England. The February of 1837 was remarkable in the monetary history of this country, for the lowness in the amount of coin and bullion in the possession of the Bank; and it appeared that from February, 1834, through the next three years, up to February, 1837, the Bank had sustained a loss, on withdrawal of bullion, to the extent of between 5,000,000 or 6,000,000 of the precious metals. What had the Scotch bankers been doing during this period? Had they made a corresponding diminution in their issues of bank notes? On the contrary, they had, in spite of the alarming diminution of bullion in the Bank of England, made an increase of their issues to the extent of 106,000*l.* Up to August 1, 1839, when the Bank had in money and bullion only 2,244,000*l.*, the Scotch bank issues still went on increasing, though only to a small extent. Thus it was proved, that whilst there had been a diminution of the precious metals in the hands of the Bank of England of nearly seven millions sterling, the bankers of Scotland had gone on increasing their issues of paper. He admitted that the evidence of the bankers stated that this occurred from reducing their discount. What he had advanced, showed that the Scotch banks did not carry out their principles. In a subsequent period the interest was further reduced, but then this was with no view of reducing their circulation. His argument was this — if Government admitted their principles to be good, they could not satisfy themselves that the banks of Scotland would carry those principles into effect. He admitted he concurred with the hon. Member for Halifax in this, that Government, in this instance, had not carried their principles in the case of the Scotch banks, into as good effect as in the case of the English banks. The Bill, he admitted, did some good; and the only reason why the right hon. Baronet had not dealt with the question with the same vigour which he had dealt with the English question, was on account of the opposition he had encountered, and the national prejudices he had to deal with; and these were his best excuses for not having made the Bill more efficient.

Mr. *Ross* said, the Irish bankers had not

yet had an opportunity of submitting to the House the hardships of their case; but the arguments urged on behalf of the Scotch banking system would apply with tenfold force to the case of the Irish banks.

Mr. *J. Oswald* said the people of Scotland were of opinion that the right hon. Baronet (Sir R. Peel) would have acted wisely in abstaining from any interference with their system of banking. They well knew, however, when the right hon. Baronet interfered with monetary affairs in England, that his measures would not stop there. He did not wish to oppose the Motion for going into Committee, but he would reserve the case of the Scotch bankers until the House was in Committee.

House in Committee.

On the first Clause,

Mr. *Bannerman* moved the Amendment of which he had given notice, that the words—

"Said period of one year preceding the 1st day of May, 1845," be omitted, and to substitute the following words, "period of four weeks immediately preceding the 7th day of December, 1844."

Sir *R. Peel* said, he was very sorry that it was out of his power to accede to the proposition of the hon. Member. If he had substituted thirteen months instead of four, the case might have been wholly different; but he had taken the maximum instead of the average as a criterion. The object of an arrangement such as this, should be to enable bankers to make provision for an increased issue without providing an additional quantity of gold; and that arrangement, he thought, would give all the advantages which the hon. Member opposite seemed to require. He repeated his regret that he could not accede to the Motion; for he could discover no reason to induce him to depart from the principles which he had laid down with respect both to the banking system of Ireland and Scotland.

Mr. *Hume* contended that the right hon. Baronet interfered with a system which had been entirely free previous to his interference; and that he had interfered with it in direct violation of the pledges which he had given to the House. He believed that, although the transactions of business in Scotland increased daily, there would be a smaller amount of currency required to conduct those operations than had ever before been the case. He should, on the ground he had stated, support the Amendment.

Sir *R. Peel:* There never was, Mr. Greene, a more unfounded assertion than that that which the hon. Member for Montrose has made, in stating that I have broken faith with those who are interested in this Bill, and have proposed alterations in it which render it different from the measure, the principal features of which I originally stated to the House. I am able to show that the hon. Member is not more correct in his assertions upon this point than he sometimes is with respect to other matters. I shall only notice that part of the hon. Member's observations which refer to my not having kept faith with the Scotch bankers in relation to this Bill. The language which I made use of in bringing forward the subject was the following:—

"I propose, then, both in Scotland and Ireland, to ascertain the average amount of the issues of each bank for a definite past period. I propose to permit the continuance of that amount of circulation, without any restriction whatever; to apply there the principle which was applied to the English banks. You demanded from them no deposit of security; you demanded from them no tenure of gold. You permitted them, without inquiry and without restraint, to issue the permitted amount, only taking security that the remainder should be issued in gold. I propose to apply the same principle to Scotland and Ireland. The question then arises, what is the period to which the average shall be limited? I propose, in the case both of Ireland and of Scotland, to ascertain the average from the period which has elapsed since the announcement of the measure of last year, that is, from the 27th of April last. That will be a period of thirteen lunar months. The variation is very great in Scotland at different periods of the year. In May and in November the amount of the issues exceeds the amount of the issues at other periods. I believe that, so far as Scotland is concerned, it would be a matter of very great indifference whether you founded your average upon a review of two years, of one year, or of six months. Whether you took in two periods of extraordinary issue, or whether you took in one, in the one case taking twelve and in the other six months, the amount of the circulation would in each case be nearly the same."

I said also distinctly that I proposed to take the average of the thirteen lunar months before the 27th of April next; and I went further—I said I would endeavour to give the best estimate in my power as

to the amount of circulation at that time in Scotland. Here is my paper from which I read the amounts. I said that the aggregate average circulation of the Scotch banks on the 27th of April, 1844, was 2,714,000*l.*; that on the 25th of May it was 3,041,399*l.* Whereas, the amount at which I have estimated it is 3,061,000*l.*, making a difference of 20,000*l.*, and being by so much more than the amount at which I had previously estimated the circulation. I now appeal to the House whether the hon. Member has any justification for the charge he has brought against me.

Mr. *Hume* said, that he might turn the tables on the right hon. Baronet, and ask him how often he had followed the advice which he had given him from that side of the House? He would take the right hon. Baronet's observations as a joke.

Mr. *Dennistoun* said, that he did not understand the hon. Member for Montrose to have made any charge of a breach of faith on the part of the right hon. Baronet; but when the right hon. Baronet stated the nature of his plan, he intimated that the actual circulation of Scotland should be maintained, and that so long as the banks there did not raise the amount of their issues they should not be compelled to hold specie against the notes in circulation. But what did the right hon. Baronet now say? If he would tell him that, without being under the necessity of keeping gold in their coffers, the Scotch banks would still enjoy the average circulation of the present period, he should be perfectly satisfied.

Sir *R. Peel:* The average circulation of the Scotch banks for the last year, consisting of thirteen lunar months, is estimated, as I have already stated, at 3,061,000*l.* The banks, therefore, are entitled to issue a circulation of 3,061,000*l.* during the whole year. But during the next year, there would be, as there had been in previous years, two periods at which an extraordinary issue would take place, particularly in one week, owing to the amount of business transacted in that time. The issue of that week would not, however be, taken as an average; but it would merge in the issue of the four weeks of the lunar month of which it formed part. The banks would not be able to issue more than 3,061,000*l.*, according to the monthly average, unless they had a reserve of gold to meet the excess. They must show a reserve of gold equal to the excess above the monthly average.

Mr. *Dennistoun:* Suppose the issue in one month was to amount to 330,000*l.*, does the right hon. Baronet mean to say that the banks in Scotland are not obliged to hold specie for the surplus?

Sir *R. Peel:* The banks can issue to the amount of 300,000*l.* a month without holding specie; but if they issue in any one month 310,000*l.*, all the specie they would be required to hold would be 10,000*l.*

Mr. *Dennistoun* said, that the difference between the circulation in Scotland at the periods referred to by the right hon. Baronet was as 3,000,000*l.* to 4,000,000*l.*, owing to the increase in the business transactions at that time of the year. What he complained of was that the right hon. Baronet had taken the minimum of the circulation as the standard by which to regulate his measure. It was well known that the Scotch bankers had made the smallest returns that they possibly could of the average amounts of their respective circulations. But if they had known what the intentions of the right hon. Baronet in obtaining those returns had been, they might very easily and with perfect good faith have shown an increase in their circulation of half a million. It was too bad to take advantage of their innocence.

The Committee divided on the Question that the words proposed to be left out stand part of the Question: — Ayes 84; Noes 59: Majority 25.

List of the Ayes.

Acland, Sir T. D.	Clay, Sir W.
Adderley, C. B.	Clerk, right hon. Sir G.
Aldam, W.	Clive, hon. R. H.
Bailey, J., jun.	Cockburn, rt. hn. Sir G.
Baillie, Col.	Collett, J.
Baillie, H. J.	Colvile, C. R.
Baring, rt. hn. F. T.	Corry, rt hon. H.
Barrington, Visct.	Cripps, W.
Baskerville, T. B. M.	Curteis, H. B.
Beckett, W.	Damer, hon. Col.
Boldero, H. G.	Darby, G.
Bowes, J.	Davies, D. A. S.
Bowles, Adm.	Deedes, W.
Boyd, J.	Denison, E. R.
Bramston, T. W.	Douglas, Sir C. E.
Brisco, M.	Duncombe, hon. A.
Broadley, H.	Escott, B.
Brotherton, J.	Fitzroy, hon. H.
Bruce, Lord E.	Flower, Sir J.
Buckley, E.	Fremantle, rt. hn. Sir T.
Buller, Sir J. Y.	Gaskell, J. Milnes
Cardwell, E.	Gill, T.
Carew, W. H. P.	Gordon, hon. Capt.

Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Hamilton, W. J.
Herbert, rt. hon. S.
Holmes, hn. W. A C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Jermyn, Earl
Jocelyn, Visct.
Knight, F. W.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
M'Geachy, F. A.
M'Neill, D.
Meynell. Capt.
Neeld, J.
Nicholl, rt. hon. J.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Round, C. G.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Trench, Sir F. W.
Wellesley, Lord C.
Wood, C.
Wood, Col.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Acton, Col.
Arbuthnott, hon. H.
Archbold, R.
Baine, W.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Brooke, Sir A. B.
Bruce, C. L. C.
Campbell, Sir H.
Chapman, B.
Corbally, M. E.
Crawford, W. S.
Dalrymple, Capt.
Dennistoun, J.
Drummond, H. H.
Duff, J.
Duncan, G.
Esmonde, Sir T.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Ffolliott, J.
Forster, M.
Hallyburton, Lord J. F.
Hastie, A.
Hawes, B.
Hepburn, Sir T. B.
Hindley, C.
Jones, Capt.
Mackenzie, T.
Maher, N.
Martin, T. B.
Maule, right hon. F.
Morris, D.
Muntz, G. F.
Murray, A.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Oswald, J.
Paget, Col.
Plumptre, J. P.
Rawdon, Col.
Redington, T. N.
Roche, E. B.
Ross, D. R.
Scott, hon. F.
Smollett, A.
Somerville, Sir W. M.
Spooner, R.
Stewart, P. M.
Stewart, Lord J.
Traill, G.
Trelawny, J. S.
Wawn, J. T.
Wemyss, Capt.

TELLERS.
Hume, J.
Bannerman, A.

The Question again put that the first Clause stand part of the Bill.

Mr. *Dennistoun* moved to leave out the words "head office or principal place of issue of such banker;" so as not to confine the bankers' issues by the amount of coin exclusively at his head office. It was understood at the meeting of the Scotch bankers with the right hon. Baronet, that the limitation which his Amendment went to remove was not to be pressed.

Sir *R. Peel* could not agree to the Motion

The Committee divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 80; Noes 35: Majority 45.

List of the AYES.

Acland, Sir T. D.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baring, rt. hn. F. T.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Boldero, H. G.
Bowles, Adm.
Bowring, Dr.
Boyd, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Campbell, Sir H.
Cardwell, E.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Collett, J.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Deedes, W.
Douglas, Sir C. E.
Drummond, H. H.
Duncombe, hon. A.
Escott, B.
Fitzroy, hon. H.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gill, T.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Jermyn, Earl
Jocelyn, Visct.
Kirk, P.
Lennox, Lord A.
Lincoln, Earl of
Mackenzie, W. F.
M'Neill, D.
Meynell, Capt.
Nicholl, right hon. J.
Oswald, J.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Scott, hon. F.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stuart, Lord J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Trench, Sir F. W.
Wellesley, Lord C.
Wood, C.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Archbold, R.
Baine, W.
Bannerman, A.
Blake, M. J.
Bouverie, hon. E. P.
Chapman, B.
Crawford, W. S.
Duncan, G.
Esmonde, Sir T.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Forster, M.
Hallyburton, Lord J. F.
Hawes, B.
Jones, Capt.
Lockhart, W.
Maule, right hon. F.
Morris, D.
Muntz, G. F.
Newdegate, C. N.
O'Connell, M. J.
O'Ferrall, R. M.
Ogle, S. C. H.
Rawdon, Col.
Redington, T. N.
Roche, E. B.
Smollett, A.
Somerville, Sir W. H.
Stewart, P. M.

Trelawny, J. S.
Wawn, J. T. TELLERS.
Wemyss, Capt. Hume, J.
Wyse, T. Dennistoun, J.

Clause agreed to. Other Clauses agreed to. House resumed. Committee to sit again.

FRESH WATER FISHING.] Mr. *F. Maule* moved the Second Reading of the Fresh Water Fishing Bill.

Sir *R. Peel* said, that he had been thirty-five years in Parliament, and he never recollected a Session without a Bill for the Amendment of the Grand Jury Laws of Ireland, or the Salmon Fisheries in Scotland.

Bill read a second time.

House adjourned at one o'clock.

HOUSE OF LORDS,

Friday, June 6, 1845.

MINUTES.] BILLS. *Public.*—1ª. Military Savings Banks; Canal Companies Carriers; Canal Companies Tolls.

Private.—1ª. Great Grimsby and Sheffield Junction Railway; Edinburgh and Glasgow Railway; Ely and Huntingdon Railway; Lynn and Ely Railway; Guildford Junction Railway; Quinborowe Borough; Great North of England and Richmond Railway; Edinburgh and Hawick Railway; North British Railway; Lowestoft Railway and Harbour; Yarmouth and Norwich Railway.

Reported.—Scottish Central Railway.

PETITIONS PRESENTED. By Lord Campbell, from Protestant Dissenters in and near the Metropolis, against the Charitable Trusts Bill.—From East Grinstead, for the Suppression of Intemperance.—By Bishop of London, from Inhabitants of Saint Mary Abbott's Kensington, for the Suppression of Sunday Trading.—By Bishop of London, Duke of Cleveland, and by Earl Fitzhardinge, from Clergy and others of Wellington, and from several other places, against Increase of Grant to Maynooth College.—By Earl of Powis from Apparitors of Diocese of Hereford, for Compensation in the event of the Ecclesiastical Courts Consolidation Bill passing into Law.

HOUSE OF COMMONS,

Friday, June 6, 1845.

MINUTES.] BILLS. *Public.*—*Reported.*—Salmon Fisheries.

Private.—2°. Birmingham and Gloucester Railway (Worcester Branch and Cheltenham Extension).

Reported.—St. Matthew (Bethnal Green) Rectory; Glossop Gas; Caledonian Railway; Clydesdale Junction Railway; Glasgow, Dumfries, and Carlisle Railway; Falmouth Harbour Improvement; Monkland and Kirkintilloch Railway; Glasgow, Garnkirk, and Coatbridge Railway; Dublin and Drogheda Railway (recommitted); North Wales Mineral Railway (recommitted); Wexford, Carlow, and Dublin Junction Railway; Kingstown and Waterford (Carlow and Wexford) Railway; Kilkenny Junction Railway.

3°. and passed:—Edinburgh and Hawick Railway; Quinborowe Borough; Great North of England and Richmond Railway; North British Railway; Yarmouth and Norwich Railway; Lowestoft Railway and Harbour.

PETITIONS PRESENTED. By Viscount Bernard, from Cork, for Alteration of Law relating to the Registration of Voters.—By Mr. M. J. O'Connell, from Kilkenny, for Repeal of the Union.—By Mr. G. Hamilton, from a great number of places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Evans, from several places, for Better Observance of the Lord's Day.—By Sir H. Campbell, Col. Acton, Sir R. H. Inglis, and Mr. Plumptre, from a great number of places, against the Grant to Maynooth College.—By Sir R. H. Inglis, from Penwith, against Union of St. Asaph and Bangor.—By Mr. Drummond, and Mr. Pringle, from Kincardine and Edinburgh, against Universities (Scotland) Bill.—By Mr. Denison, from Bletchingly and Alton, for Repeal of the Duty on Malt.—By Alderman Copeland, and Mr. Duncombe, from Whitley and Beverley, for Inquiry into the Anatomy Act.—By Sir W. Somerville, from Dublin, for Alteration of Banking (Ireland) Bill.—By Mr. Mitcalfe, from Tynemouth, in favour of Colleges (Ireland) Bill.—By Mr. Burroughes. from Attorneys and Solicitors of Norwich, for Removal of Courts of Law and Equity to Inns of Court.—From King's Lynn, for Alteration of Debtor and Creditor Law.—By Mr. Crawford, Lord F. Egerton, and Sir G. Strickland, from a great number of places, in favour of the Ten Hours System in Factories.—By Viscount Bernard, and Mr. Somers, from several places, for Alteration of Municipal Corporations (Ireland) Act.—By Mr. Denison, and Lord F. Egerton, from a great number of places, against the Parochial Settlement Bill.—By Mr. Barnard, Mr. Bernal, Sir G. Strickland, Mr. Walker, and Mr. Williams, from a great number of places, for Alteration of Physic and Surgery Bill.—By Mr. T. Duncombe, from Paisley, for Alteration of Poor Relief (Ireland) Act,—By Mr. Bailey, and Mr. Martin, from several places, in favour of Salmon Fisheries Bill.

TREATMENT OF INSANE PERSONS IN ENGLAND AND WALES.] Lord *Ashley*, in rising to bring forward the two Bills of which he had given notice, said: My Motion requires some preliminary explanation. By the two Bills I intend to effect the repeal of many existing Acts respecting the treatment of Lunatics, and substitute such other enactments in their place, as time and circumstances have rendered necessary. Before entering into the general principle of my Motion, I wish to observe that my proposition will apply only to England and Wales. I wish that circumstances enabled me to extend the Bills to Ireland and Scotland; for I believe that not in any country in Europe, nor in any part of America, is there any place in which pauper lunatics are in such a suffering and degraded state as those in Her Majesty's kingdom of Scotland. I assume in the first place, that the House, or at least a considerable portion of those hon. Members who may honour me with their attention, have read the Report of the Commissioners in Lunacy made in the last Session of Parliament; and I will also assume that it is unnecessary for me to repeat the statement which I made in the course of last year on the subject which I now seek to bring under your notice. You will allow it, perhaps, to form a part of my present speech. It is ne-

cessary I should begin by reminding you that the laws affecting lunatics may be divided into four classes, and that that law, as it now stands, is embodied in nine several Statutes. These nine several Statutes may be divided, as I have said, into four classes; first, those which are relative to county asylums; second, those relating to licensed asylums, public asylums, and the visitation of those respectively; third, relative to persons found lunatic by inquisition, the appointment of visitors, and of a "commission in lunacy," to perform duties formerly discharged by Masters in Chancery; fourth, relative to criminal lunatics. Now, I do not intend to touch more than the first two of these classes. I mean to amend the single act contained under Class 1, as well as to amend and combine the three which are contained under Class 2. The three Bills contained under Class 2 are as follows:—2nd and 3rd of William IV., c. 107; 3rd and 4th of William IV., c. 64; and 5th and 6th of Victoria, c. 87. These various Statutes I propose to consolidate into one, entitled "A Bill for the Regulation of the Care and Treatment of Lunatics in England and Wales;" and I must solicit, for a topic in itself uninviting and dry, your forbearance and indulgent attention. But before I proceed further with this part of the subject, I may be permitted for a moment to recur to the state of the law as it existed under the 14th of George III., the only law for the regulation of private asylums previously to 1828. In those days there was no power of punishing any offence—there was not even the power of revoking or refusing any license. There was also extreme laxity in the signature of certificates, one only being deemed sufficient; and that might be, nay, it often was, signed by a person not duly qualified, or by the proprietor of the madhouse in his medical capacity; and to the care of this person the alleged lunatic was consigned. Houses licensed under this Act were not required to be visited more than once a year. There was no power to discharge any patient who might prove to be of sound mind. Licenses could be granted only on one day in the year. Pauper lunatics were sent without medical certificates; there was no return of pauper patients made to the Board; and no plans were required of houses previously to the granting of licenses. There were no returns of the cases of lunatics kept singly in houses for gain; there were no visits of medical persons to the patients required. A measure was then introduced by Mr. Gordon, in 1828, to remedy these defects; and no enactment on your Statute book has been attended with more satisfactory results. I stated them at some length in my speech of last year. Evasions, no doubt, will be found wherever temptation and opportunity are combined; we can only pretend to mitigate, not to abolish, the evil. Now, the first of the Bills which I intend to submit to the consideration of the House, will establish a permanent Commission, and thereby secure the entire services of competent persons. It will give the power of far more detailed and frequent visitation, and fix the limits of expense, now regularly increasing. It will place "hospitals" or subscription asylums under proper regulations, by requiring them to have the same orders and certificates as are necessary in licensed houses, and by subjecting them to the same visitations as county asylums. My Bill will also provide an additional security against the improper detention of pauper patients, by requiring that the person signing the order for their confinement shall personally examine them beforehand, and that the medical officer who certifies as to their insanity shall see them within seven days previous to their confinement. I may add that neither of these safeguards exists at present. I propose, also, that my measure should compel every person receiving a patient to state his condition, mental as well as bodily, when first admitted, and the cause of his death when he dies. It will also direct that every injury and act of violence happening to a patient shall be recorded, and will require a case-book to be kept, thereby affording additional securities against mismanagement, and showing how far the patients have the benefit of medical treatment. It will also authorize the visitors to enforce a proper supply of food (in licensed houses) to pauper patients, who are at present fed at the discretion of the proprietor. Further, it will enable the visitor to order the admission of a patient's friends; at present, they are admitted or excluded at the caprice of the person who signs the order for the patient's confinement. It likewise will enable the visitors to sanction the temporary removal of a patient in ill health to the sea-side, or elsewhere. It, moreover, will enforce an immediate private return of all single patients

received for profit, and authorize the members of a small private committee, named by the Lord Chancellor, to visit them, if necessary. This is the provision of the law in France; in that country licenses are prescribed for every house, and certificates and visitors for every lunatic. The abuses and cruelties perpetrated in these retreats for single patients would surpass the belief of the House. I have said before, and I say again, that should it please God to afflict me with such a visitation, I would greatly prefer the treatment of paupers in an establishment like that of the Surrey Asylum, to the treatment of the rich in almost any one of those receptacles. These returns are universally evaded at present, the law rendering it unnecessary to make any return, unless the patient has been confined for twelve months. The Bill will give the Chancellor power to protect the property of lunatics against whom a Commission has not issued by a summary and inexpensive process, and it subjects all workhouses in which any lunatic is kept to regular visitation. The second Bill which I intend to lay before the House is called for by the Report of the Commissioners, and the facts which I produced in my statement of last year; and, presuming that the House will accept this for granted, I think it may not be necessary for me to go over the evidence that was then laid before the House; nevertheless, I do feel it necessary to call the attention of the House to the principal defects which are pointed out by our Report as to pauper lunatics and county asylums. First, that there are 40 counties in England, and only 16 county asylums; and 12 counties in Wales, and only one disgraceful borough asylum. Of the 24 counties in England having no asylums, one has 500, two upwards of 400, three upwards of 300, seven upwards of 200, and 11 nearly one hundred lunatics each; and Wales has 1,000 lunatics. The second is, that of the 16 counties which have asylums, one has 800, one has 600, one has 500, one more than 300, three more than 200, and the rest more than 100 lunatics, for whom there is no accommodation in the asylums which have been erected, and no other receptacle. The third defect is, that all the existing asylums are full of incurables, or persons said to be incurable. The fourth defect is, that no system has been adopted in the county asylums to give preference to urgent cases, or those capable of cure. The fifth fault in the present state of the law is, the detention of lunatics in workhouses, where there is no sufficient medical or moral treatment. At the Union workhouse of Redruth, there were 40, and of Leicester 30 lunatics; and at Birmingham, not in the Union, 70 lunatics. The sixth is, there is no real visitation or true account of those lunatics who are not in asylums; for example, the lunatics of North and South Wales, and those in England not in asylums, being 9,339, with their friends or in workhouses. I think I may now proceed to illustrate the necessity for these alterations by reference to one or two cases. I find, from the Report before me, that in the Leicester Union workhouse—

"There were thirty insane persons, of whom three males and nine females were dangerous lunatics, in the strict sense of the word, and most unfit inmates of the place; and where, as we were informed, they had been long detained, in spite of the remonstrances of the visiting surgeon and some of the magistrates. In the parish workhouse at Birmingham, there were seventy-one insane persons, subject to insanity in various forms, several of them being epileptics, liable, after their paroxysms of epilepsy, to fits of raving madness, during which they were usually excessively violent and furiously maniacal."

Take the case of the private house at Derby visited in 1842:—

"The straw in the paupers' beds was found filthy, and some of the bedding was in a disgusting condition from running sores, and was of the worst materials, and insufficient; two cells in which three sick epileptic paupers slept were damp, unhealthy, and unfit for habitation; the beds of some of the private patients were in an equally bad state; nearly all the provisions of the law for the regulation of licensed asylums were violated. . . The magistrates of the borough, who are its visiting justices, had not visited the house for the space of a year minus eight days. . . . In 1843 it was again in a very bad state; the paupers were still occupying what had been the coachhouse and stables; the rooms were low, comfortless, and ill-ventilated, and one of the apartments most offensive. It has been visited within the last six weeks of the present year; the Commissioners report that the condition of the private patients was improved, but that of the paupers was so bad that another communication must be made by the Board to the magistrates of the borough."

Now, here is an excellent sample—though there are exceptions I admit—of the mode and measure of provincial visitation by the provincial magistracy. I am speaking in reference to the visitation of private

asylums only; the supervision and care of the county asylums are, on the whole, extremely satisfactory. But look at this: the justices in the preceding year visited the asylum but once; they received a shock, no doubt, by the spectacle they witnessed, and they took a good course to avoid a repetition of it; for, says the Report, "during the last year no visiting justices were appointed." It is very true, that many private asylums are of a superior character; but the tendency of such establishments is to this state of things. Every one must perceive that the pittance of seven shillings or eight shillings a week given to the proprietor of an asylum for the maintenance and cure of a pauper lunatic, is altogether insufficient; the proprietor actually and justifiably looks to realize a profit; and, however great his humanity, which I have seen in frequent instances, will not generally go beyond that point which will leave him an adequate return for himself. I will now, by a very striking example, illustrate the deplorable condition in which some of the pauper lunatics in Wales have been placed. I will mention the case of Mary Jones, who was consigned, be it observed, to the care of her mother. The Report made upon her case I will now read, with the permission of the House :—

"We went to the cottage between eight and nine o'clock in the evening, accompanied, at our request, by Dr. Lloyd Williams, who interpreted to us the answers given to questions put through him. In a dark and offensive room over a blacksmith's forge, upon opening a bolted door, we discovered the miserable object of our search. The only window was closed up by boards, between which little air could find admission, and only a feeble glimmering of light. In the middle of this loathsome chamber was Mary Jones, the lunatic, on a foul pallet of chaff or straw; and here she had been confined for a period of fifteen years and upwards. She was seated in a bent and crouching posture on her bed of nauseous and disgusting filth. Near to her person, and just within her reach, was a cup, into which she was accustomed to pass her excretions, which she emptied from time to time into a chamber utensil. This last vessel contained a quantity of feculent matter, the accumulation of several days. By her side were the remnants of some food of which she had partaken. Within a few feet of the pallet, which was on the floor, stood a large earthen jar, nearly full of fetid urine, the produce of the three other persons in the cottage. It had, as stated by the mother, been placed there in order that it might, from the warmth of the room, undergo a more speedy decomposition for the purpose of being used in dying wool. The stagnant and suffocating atmosphere, and the nauseous effluvia which infected it, were most intolerable."

Listen to the effects of this treatment :—

"Thus long and close confinement had produced in Mary Jones's person the most frightful distortions. The chest bone protruded forwards five or six inches beyond its natural place, and there was an excoriation of the parts below. The legs were bent backwards, and the knee joints were fixed and immoveable. The ankles and feet were also greatly twisted and deformed. She was emaciated in the last degree; her pulse was feeble and quick; and her countenance, still pleasing, was piercingly anxious, and marked by an expression of despair. Her garments were loathsome, and from her person was emitted a most offensive odour. . . . For about ten years past she had been confined to the dismal chamber in which we found her, the window of which had been boarded during nearly the whole of that time."

Now, observe the whole enormity of this case: this poor woman was removed to the hospital; what says Dr. Williams?

"We have the clearest evidence that if this poor creature had been properly treated in the first instance, she would have been completely cured."

He adds :—

"August 14, 1844.—After I wrote to you yesterday I gave her (*i. e.* Mary Jones,) some money to buy calico, and I was gratified to find that she took a needle and thread and commenced sewing very tidily."

On the authority of Dr. Williams, of Denbigh, I am enabled to say, that she must have been at one time fully capable of cure, and that she still had sufficient intellect to enjoy existence, when she was placed in favourable circumstances. It is time that I should now come to that part of my statement which has reference to the alterations that I intend to propose. The second Bill which I shall ask leave to introduce will be an extension of the Act of the 9th of Geo. IV. c. 40. We have taken this Act for our basis, and have been scrupulous in departing as little as possible from its provisions: the Act is far from perfect, but I must speak with deference of a law that has laid the foundation of such asylums as Surrey, Hanwell, and others. The principal amendments are these:—1st. Instead of permitting, I propose to require, every county and borough which has no asylum, to provide one, either for itself, or in union with some other county or borough. 2nd. That every

county which has an asylum, but insufficient accommodation, is to provide further accommodation. This is according to the law in France: every department in that country is compelled to furnish adequate receptacles for its insane poor. 3rd. In erecting new asylums, and providing further accommodation where it is required, regard should be had to the proportion of curable and chronic lunatics; I purposely avoid the use of the term "incurable." Separate buildings I propose should be provided for the chronic at a less cost, and parts of the workhouses, with the consent of the Poor Law Commissioners, may be adapted, in which case they are to be separated from the other part of the building, and to be deemed county asylums. 4th. Counties having asylums may unite with other counties not having one. 5th. To extend the Act to boroughs having courts of separate quarter sessions, and to every place not contributing to county rates. 6th. To assist magistrates in erecting asylums, and ascertaining the proportionate numbers of curable and chronic lunatics, and providing separate buildings for them; and for diminishing the expense of building asylums, the plans are to be submitted to the Commissioners in Lunacy, and the estimates to the Secretary of State; it is provided also that asylums for boroughs may be erected without the boundaries of the borough. 7th. The time for the repayment of money borrowed for building asylums I propose to extend from fourteen to thirty years. 8th. General rules for the government of asylums should be submitted to the Secretary of State. 9th. Copies of the accounts of asylums are to be sent to the Secretary of State. We also propose that all recent cases of lunacy are to be sent immediately to an asylum: this is an indispensable provision, for it is clear that if such cases are met with instant attention, the number of cures will be, as I shall presently state, in the proportion of from 70 to 90 per cent.; whereas if they are suffered, by neglect, to become chronic or inveterate cases, the amount curable is scarcely anything per cent., or at the very outside, and under the most favourable results, only from 6 to 8 per cent. We next provide for the reception of all lunatics who are not chargeable, whether wandering or otherwise; they are to be apprehended, and those whose friends cannot pay for them are to be admitted into the asylum as paupers. Our next provision is, that a quarterly inspection of all lunatics who are not in asylums is to take place by a medical man, who shall return lists of them, describing their condition, to the Commissioners in Lunacy. Amongst other provisions appertaining to this part of the Bill is one by which every pauper lunatic shall, in the first place, be deemed to belong to the parish from which he is sent, until he shall be proved to belong to another; and, with reference to this proviso, a clause will be introduced in order to protect counties from this casual charge becoming permanent, in cases where adjudications shall be made respecting lunatic paupers; and, lastly, power is to be given to remove chronic lunatics to the asylums provided for such cases. These are the main enactments: the others may be reserved for a future stage of the Bill. But after the proposed institution of hospitals for recent and chronic cases, I must detain you a short time—I will proceed to state, in the first instance, what the facts are which have been observed with respect to the actual state of the pauper lunatics in the great county asylum of Hanwell, in Middlesex. In that asylum there were, in the month of March, 1844, 984 patients, of whom thirty only were reported to be curable. There were waiting for admission 429 pauper lunatics, all of whom were, in consequence of the delay in applying a curative treatment, fast becoming incurable. Within the first three months of 1844 there were no less than forty lunatic patients to whom admission was refused into the Hanwell asylum, making in the whole year 160 patients. Of these, supposing that 6 per cent. were curable, there would remain permanently thrown upon the county of Middlesex for support, no less than 150 lunatics in each year. The second instance to which I shall refer, is that of the Lunatic Asylum of the county of Lancaster, which contained, in the year 1844, about 600 lunatics. Of these nearly all had been previously detained in the workhouses of their different parishes so long as to greatly diminish all probability of their cure. In the whole county there were then waiting for admission into the asylum about 500 lunatics, for whom no room whatever could be made. I next turn to the Surrey Lunatic Asylum, where I find on the 1st of January, 1844, no less then 382 patients, of whom 362 were reported as incurable, whilst

there were in private asylums and elsewhere in the county 209 lunatics waiting for admission. I take these very magnificent establishments, because they afford striking examples of the want of provision for the treatment of recent cases, and they likewise offer the most convincing proofs of the increase of incurable lunatics throughout the counties, in consequence of the neglect of early treatment. Let us now look to the treatment pursued in other asylums, and contrast the effects of recent attention with those where the cases have experienced neglect of longer or shorter date. I refer in this respect to the Report of the Dorset County Lunatic Asylum, made at the Epiphany Sessions for the year 1845, which states that there had been discharged during that year twenty-three lunatics as cured, of whom seventeen had been admitted in the same year. And what did the superintendent say with respect to this fact? He reports thus:—

"This is a larger number of recoveries than has taken place in any year since the opening of the institution, and may be attributed to a greater number than formerly being admitted in the incipient stage of the disorder."

Of sixteen persons who had been admitted during the first three months of their attack no less than thirteen were cured, making 81 per cent. In cases even of relapse, the proportion of cures was not less than 58 per cent., and in the cases themselves the disorder had existed for more than three but less than twelve months. In St. Luke's Hospital the cures during 1843 amounted to 63¾ per cent., and in 1842 to 70¼ per cent., the cases in many instances having been of several months' standing. I find, too, in a paper recently read before the Medical Society, communicated by Dr. Forbes Winslow, a gentleman who has paid much attention to this class of disorders, and who is justly entitled to be heard, an opinion that a large proportion of the many thousand incurable lunatics in England and Wales had been reduced to this melancholy state by the neglect to which they had been subjected in the incipient state of the malady. In fact, that nine out of ten cases recovered if subjected to treatment within the first three months of the attack. There is similar testimony in other countries: from the Reports of the State Lunatic Asylum of New York for the year 1844, sent to me by Dr. Brigham, I find it stated, that—

"Few things relating to the management and treatment of the insane are so well established as the necessity of their early treatment. . . . . By examining the records of well-conducted asylums it appears that more than eight out of ten of the recent cases recover, while not more than one in six of the old cases are cured."

And I find the same facts reported by the physicians of the Hartford Lunatic Asylum, in the United States. Many impediments, however, are thrown in the way of the speedy application of the curative treatment in cases of pauper lunacy—first, no magistrate, in any county having a public asylum, has it in his power to authorize the transmission of pauper lunatics to a private asylum for treatment in case the county asylum should be too full to receive them. The law has been so determined by a late decision in the Court of Queen's Bench, which renders it additionally necessary for the Government to apply themselves to a removal of existing difficulties; the parish authorites, moreover, are indolent, indifferent, or they seek to avoid the expense; but, after all, the main impediment lies in the want of adequate accommodation. And whence is this defect? It may be traced to the past and present fear of the enormous cost to be incurred in the construction of asylums. Here, then, I appproach the financial part of our project; and, although I admit that this is a most dry and uninviting topic, I still am under the necessity of entering upon some details respecting this branch of the subject, as it is of the most essential importance; and hon. Members will allow that without some explanation on this head I shall have but little hope for any Bill. The main impediments in the way of constructing county asylums has been, I have already said, and at present is, the fear of the enormous expense supposed to be necessarily attendant upon such undertakings. Now, the county asylum at Hanwell has cost in all the sum of 196,000*l.* On the original cost the rate per head for 1,000 patients was 160*l.*, and on 800 patients 245*l.* The Surrey Asylum cost 85,000*l.*, or 237*l.* per head for each patient. But this is far too large an estimate to be taken as an allowance of the cost per head; it is the opinion of the Commissioners that 80*l.* per head would be an ample allowance for the construction of lunatic asylums, and to provide that the enlightened curative system in the treatment of patients recom-

mended by the best authorities be adopted and acted upon. Of this we shall be able to furnish ample proofs in the Committee on the Bill. The great error, as it has appeared to us, in the construction of lunatic asylums, is that they are all built upon the presumption that every one of the patients is of the same character, requiring the same minute care and the same precautions. This view of the question greatly enhances the expenses; but we look at the matter in a totally different way. We make a distinction between the different classes of lunatics; we provide a distinction between chronic cases and recent cases. For chronic cases of lunacy we provide good diet, warmth, clothing, air and exercise; and, in addition, occupation, which we recommend to be of the healthiest description—I mean occupation in the open air, such as gardening, or on farms. But the chronic patients do not require the same careful supervision which the recent cases would constantly call for, nor do they require the same medical attention as the patients who are under curative treatment demand; and, therefore, the care and attention shown to them is not by any means so costly as that of the patients who are undergoing the whole of the curative process, and towards whom every minute precaution and care must be constantly observed. Let us take, therefore, the proportions of these respective classes of patients, and adapt them to the estimates for building new asylums. Suppose we take 12,500 pauper lunatics to be the number requiring accommodation. From this number deduct 10 per cent. for the harmless lunatics, who may safely be left at home under the care of their relations, but also under medical supervision. Of the remainder, 40 per cent. are considered to be curable, and 60 per cent. are chronic or inveterate cases. Apply this to a county asylum having 300 lunatics; deduct 10 per cent., there will be 270 left; of these 40 per cent., or 108, are curable, and to be admitted into the "recent case" hospital: the remainder, 60 per cent., or 162, are patients for the chronic department of the asylum. The gross expense of such an asylum would be as follows:—taking the recent cases at 80*l.* per head, they would amount to 8,640*l.*; and taking the chronic cases at 50*l.* per head, they would be 8,100*l.*: making in the whole 16,740*l.* for these two classes; but, as all cases of epilepsy and of violent patients must be under especial care in the recent case hospital, I will add one-sixth of the whole expense, or 3,290*l.*, to the sum already mentioned as the cost of this extra care, by which the sum total for 300 patients in an asylum will be 20,030*l.* We propose to extend the term of repayment, out of the county rates, of the cost of these asylums from fourteen to thirty years; thus the annual burden on the county rates in the case I have referred to would only be 666*l.* Now, compare the burden which our plan would impose, with that under the present system; the average expense of construction of eleven county asylums has been 170*l.* per head. Thus, under the old plan, an asylum for 300 lunatics cost 51,000*l.*; under the new plan, as I have just shown, it will cost 20,030*l.* Take then the gross expense of providing for 12,500 lunatics, at 170*l.* per head, it would be 2,125,000*l.* throughout England and Wales; whilst under our plan it would be 813,750*l.*, being a difference of 1,311,250*l.*, leaving for the thirty-six counties in England and Wales unprovided with asylums an average of 22,604*l.* (and in many counties much less), repayable in thirty years. Now if we look to the number of chronic cases, and to the mode of their treatment, we cannot wonder at the enormous expense which lies on the counties. There are pauper lunatics in asylums, say 7,000; in workhouses and elsewhere, 10,000; curable in asylums, 20 per cent., or 1,400; in workhouses, 20 per cent., 2,000; making together 3,400. Incurable in asylums, 5,600; in workhouses, 8,000; making together 13,600. Now, the average duration of the lives of lunatics has been calculated by Dr. Conolly at ten years, which is a very low average. Observe this; the following would be the average annual cost at 20*l.* per head:—60 per cent. of 5,600 (or 3,660) lunatics in asylums, at 20*l.* per head, would have cost, for one year, if cured, 67,200*l.*; if allowed to become incurable, and they live the average of ten years, 672,000*l.*; in same way, 60 per cent. of 8,000 (or 4,500) lunatics, would have cost 96,000*l.*; if incurable, 960,000*l.* Now, with respect to the duration of life in an insane person, I am strongly persuaded that the average of ten years is far too low a basis to calculate upon. Dr. Hitch, of Gloucester, says that insanity by no means shortens life, and he gives tables to show this. He asserts that out of 105 deaths, there were sixteen above fifty years of age, seventeen above sixty, and seventeen above seventy, being nearly

50 per cent. of the whole mortality. I may here call attention to another feature in the economy of the plan which we propose, namely, that exhibited in the case of the Hanwell Asylum, which is, in fact, the case of every asylum. By the present system, the cures only average 6 per cent. instead of 60. The number of applications refused every year is 160. There are thus 150 incurable lunatics thrown upon the county annually, instead of sixty-four, being an annual difference of ninety-six. Now, had these been sent and cured within the first six months, they would have cost at the annual rate of 16*l.* 11*s.* 6$\frac{3}{4}$*d.* each, or 1,591*l.* 10*s.* But supposing them to become incurable, and live the usual period, the cost would be 31,830*l.* This system prevailing throughout the whole kingdom, the present plan would reduce the additions to the chronic lists from ninety-four to thirty annually; and the calculations which I have laid before the House show that in Middlesex alone there would be an annual saving of 30,000*l.* This is a saving which, in the course of ten years, will more than cover the whole additional outlay for the construction of a new asylum. But this is not all the good that will result from our plan. By recovering the patient, not only will the expense of his maintenance for life in a lunatic asylum be avoided, but he will be restored to his occupation—and his family, instead of being thrown upon the parish for support, will again look to him for their means of existence; for the system which we propose to substitute for the present one will effect a cure in seventy cases out of every hundred. But other and very great advantages will arise by reducing the size of these asylums. They are far too large for an efficient administration of the curative process. There must be, to ensure success, a minute attention to diet, exercise, and classification—the patients must be seen daily, sometimes hourly, and occasionally, in certain circumstances, during the night. No one man can undertake the charge of more than 300 patients: the experience of all practical men is concurrent on this point: no one presses it more vigorously than Dr. Conolly. Hear the testimony of Dr. Julius, an eminent physician at Berlin:

"Every public or private institution," he writes, "has certain limits in which it must be restricted." He insists particularly "on schools, hospitals, and, more than all, penitentiaries and lunatic asylums, as places where the individualising treatment of every case will contribute much, and more than anything, to its success."

He proceeds to lament the extension of Hanwell, and adds, that—

"This institution, excellent as it is, warns mankind not to enlarge asylums beyond the limits which are traced by the moral and physical powers of the individual that has to guide and manage it."

Our present business, however, is to affirm that poor lunatics ought to be maintained at the public charge. I entertain, myself, a very decided opinion that none of any class should be received for profit; but all, I hope will agree that paupers, at any rate, should not be the subjects of financial speculation. How is it possible that the proprietor of the house should out of 8*s.* a week give the patient everything that is required—full diet, ample space of house and grounds, all the expensiveness of the non-restraint system, and realize in the remainder an adequate return for himself and his family? The thing is next to impossible, and ought not to be attempted. And now, Sir, it seems to me unneccessary to weary the House any further by preliminary matter; for whatever remains and requires explanation, may be made the subject of discussion, should the House be pleased to permit the introduction of these Bills, and the subsequent consideration of them in Committee. Still more is it unnecessary to urge upon this House—an assembly of educated, humane, and Christian ment—the duty of coming forward to the aid and protection of this utterly helpless class, who, under the marked visitation of a wise though inscrutable Providence, demand an unusual measure of our sympathy. Sir, it is remarkable and very humiliating, the long and tedious process by which we have arrived at the sound practice in the treatment of the insane, which now appears to be the suggestion of common sense and ordinary humanity. The whole history of the world, until the era of the Reformation, does not afford an instance of a single receptacle assigned to the protection and care of these unhappy sufferers, whose malady was looked upon as hardly within the reach or hope of medical aid. If dangerous, they were incarcerated in the common prisons; if of a certain rank in society, they were shut up in their houses under the care of appointed guardians. Chains, and whips, and darkness, and solitude, were the approved and only remedies. The practice

has descended to our own day; and Dr. Conolly assures us that he has formerly witnessed

"Humane English physicians daily contemplating helpless insane patients bound hand and foot, and neck, and waist, in illness, in pain, and in the agonies of death, without one single touch of compunction, or the slightest approach to a feeling of acting either cruelly or unwisely. They thought it impossible to manage insane people in any other way."

Sir, the honour of these discoveries, and the first practice of them, belongs unquestionably to the French nation; it is to the genius and humanity of their professors that we owe such mighty advances in the science of mental disorders. Some improvements were attempted in the early part of the last century; but it was reserved for Pinel, in the centre of Paris, in the very moment of the reign of terror, to achieve a work which, for genius, courage, and philanthropy, must ever rank him amongst the very principal of mankind. The narrative is so graphic and interesting, that I must entreat permission to detain the House by the recital of a few passages:—

"Pinel undertook what appeared to be the rash enterprise of liberating the dangerous lunatics of the Bicêtre. He made application to the commune for permission. Couthon offered to accompany him to the great bedlam of France. They were received by a confused noise; the yells and angry vociferations of 300 maniacs mixing their sounds with the echo of clanking chains and fetters, through the dark and dreary vaults of the prison. Couthon turned away with horror, but permitted the physician to incur the risk of his undertaking. He resolved to try his experiments by liberating fifty madmen, and began by unchaining twelve. The first was an English officer, who had been bound in his dungeon forty years, and whose history everybody had forgotten. His keepers approached him with dread; he had killed one of their comrades by a blow with his manacles. Pinel entered his cell unattended, and told him that he should be at liberty to walk at large, on the condition of his promising to put on the camisole or strait waistcoat. The maniac disbelieved him, but obeyed his directions mechanically. The chains of the miserable prisoner were removed; the door of his cell was left open. Many times he was seen to raise himself and fall backwards—his limbs gave way; they had been fettered during forty years. At length he was able to stand, and to stalk to the door of his dark cell, and gaze, with exclamations of wonder and delight, on the beautiful sky."

Good God, Sir, what an instance of needless suffering!

"He spent the day in walking to and fro, was no more confined, and during the remaining two years which he spent at Bicêtre, assisted in the management of the house. The next madman liberated was a soldier of the French guard, who had been in chains ten years, and was the object of general terror. His disorder had been kept up by cruelty and bad treatment. When liberated, he assisted Pinel in breaking the chains of his fellow-prisoners. He became immediately kind and attentive, and was ever after the devoted friend of his deliverer.....The result was beyond all hope. Tranquillity and harmony succeeded to tumult and disorder; even the most furious maniacs became tractable."

This was indeed a man to be honoured by every nation under heaven! Would to God that such were the character, the motive and end, of all our rivalry with that great people! Well would it be for mankind, if, by our mutual harmony, we kept the world at peace, while we prosecuted, and enforced their noble discoveries. I could furnish to the House many recent instances of similar triumphs in our own country; but I will not now detain them by the narrative. The system passed from France into this country; but was of slow growth. We are mainly indebted for it to the Society of Friends, and that remarkable family of the Tukes, who founded the Retreat at York, soon after the victories of Pinel in France. Samuel, the son of William Tuke, is still alive, a man of singular capacity and benevolence; and surely he must be gratified to perceive that his example has obtained not only the approval, but the imitation of the best and wisest men of this country, and I may add of America; for I have here very copious documents sent to us by Dr. Brigham, the eminent physician of the State Asylum of New York, which show the zealous and liberal efforts of the local governments in these great and necessary undertakings. But, Sir, to secure not only the progress, but even the continuance of this improved condition, we have need of a most active and constant supervision; if this be denied, or even abated, the whole system will relapse. There is the strongest tendency, and it is not unnatural, amongst the subordinate officers of every asylum to resort to coercion; it gratifies all the infirmities of pride, of temper, and indolence. The disclosures of the former state of the public hospital at Bedlam, of the private one at York, and more recently of a large portion of the country, in our Report of last year, sufficiently attest how indispensable are the

provisions we have suggested for visitation and publicity. Such arrangements will supersede the necessity of much minute legislation; on no one point is Mr. Tuke more hearty in his concurrence, with a view to prevent the return of those disgraceful practices which have both afflicted and dishonoured mankind. Clearly then, Sir, it is our duty and our interest too, while we have health and intellect—"*Mens sana in corpore sano*," leisure and opportunity—it is our duty and our interest, I say, to deliberate upon these things before the evil days come, and the years of which we shall say that we have no pleasure in them. Here we are sitting in deliberation to-day, to-morrow we may be the subjects of it; causes as slight apparently as they are sudden, varying through every degree of intensity—a fall, a fever, a reverse of fortune, a domestic calamity, will do the awful work, and then, "farewell King!" The most exalted intellects, the noblest affections, are transformed into fatuity and corruption, and leave nothing but the sad though salutary lesson, how frail is the tenure by which we hold all that is precious and dignified in human nature. But, Sir, it is the temper of our times—and most heartily ought we to thank God for it—and especially of our own country, to view all such things as incentives to earnest and vigorous action. I invite you, therefore, in this spirit, to accept or to amend the proposition I have submitted to your consideration; and be assured that it is not in the order of Providence that such labour should be altogether without fruits; for one of two results you cannot fail of attaining; either you will behold the blessings of happiness and health revisiting the homes of the emancipated sufferers, or you will enjoy the satisfaction of having laboured with disinterestedness and zeal for those who cannot make you the least compensation. The noble Lord concluded by moving for leave to bring in the Bills.

Sir *J. Graham:* Sir, I rise with sincere satisfaction to second the Motion of my noble Friend. The House will remember—it would be impossible in justice to forget—the speech which my noble Friend made on this subject towards the close of last Session. That speech made on me and on every one who heard it the deepest impression; and I gave to the House and to my noble Friend an assurance, on the part of the Government, that it was impossible any longer to neglect a subject so important, so touching, so connected with feelings the most painful, but at the same time the most humane of our common nature. I declared then to the House that the attention of the Government should be directed to the subject. I wish I could have commanded more time to have bestowed on it; but I have had the satisfaction of receiving in the most cordial manner the assistance of my noble Friend, and in common with him I have, during the interval of the recess, directed my consideration carefully to this matter, and the fruits of that consideration are now before the House. With reference to Ireland, I may state that my right hon. Friend the Secretary for Ireland has introduced a Bill on this very subject, extending to that portion of the Empire many of the most important provisions now about to be introduced into England; and with regard to Scotland, though I do not say that the proposals contained in the Bill of my right hon. Friend the Lord Advocate meet the whole of my noble Friend's views, still it is intended to meet a very important part, viz., the treatment of pauper lunatics in Scotland. Having thus just glanced at those measures, I shall say no more, except with reference to this Bill. I have the satisfaction of stating to the House that the measures which my noble Friend seeks to introduce have been carefully considered by Her Majesty's Government; that they have come under the view of the Lord Chancellor, within whose jurisdictions such matters more especially fall: and that I believe all the measures which my noble Friend wishes to introduce are introduced with the Lord Chancellor's entire approbation. That portion of the measure which is connected with the care of pauper lunatics has also been carefully considered by Her Majesty's Government, and the provisions sought to be introduced with reference to pauper lunatics meet with their entire concurrence. With reference to the subject generally, I also, in common with my Colleagues, considered that these Bills deserved our support; and though some of the details may perhaps require some alteration, yet, generally speaking, we determined to give the Bill, as a Government, our most cordial support. Now, Sir, I must say that we are deeply indebted to my noble Friend for the assistance which he gave me in this matter. I have said, with truth, that I could not de-

vote as much time as was necessary to this important inquiry; but, even if I could, there are many qualities which my noble Friend possesses which I could not have brought into action. His great experience, his indefatigable zeal, and above all, his humane heart, have induced him to pursue this subject (from which many men would be disposed to turn aside) with a degree of assiduity and kindness which are above all praise, and which entitle his opinions to be regarded as an authority upon the subject. I have therefore been very happy to act in concert with him. It would be impertinent in me, after the very able and impressive speech which my noble Friend has just delivered, to waste your time by going into the details of the Bill, which will be more advantageously considered in the course of its progress through the House; but, at the same time, I may mention one or two important matters, in which I more especially agree with him. The first to which I allude attaches the greatest importance to a constant supervision of all these asylums —with that I wholly concur; and I am of opinion that a constant supervision cannot be secured by unpaid Commissioners. I concur also in the necessity of some supervision, and even of the frequent visitation of private establishments, though they should contain very few or only one patient. On that subject last year I entertained some doubts; but the result of the inquiries which I have since made has led me to the conclusion that, on the whole, restricted as such visitation will be, it would be useful and even necessary. I also agree with my noble Friend in the necessity for the erection of establishments for patients whose cases have assumed a chronic form, as distinguished from those whose maladies are of a more recent date. It is impossible to resist, I think, the evidence which he has brought forward with regard to the melancholy manner in which the institutions of the country are at present choked by incurable cases, to the almost utter exclusion of curable cases. I must also express my opinion, that even should the calculations of my noble Friend with reference to the saving of expense not be sustained in every particular, yet it is a paramount duty that ample provision should be made to obtain the cure if possible—and where not possible, to secure the safe custody and comfort of those unhappy persons, under circumstances of as little restraint as their melancholy condition will allow; and I may add, that I know of no object to which the wealthy could more praiseworthily contribute in their desire to relieve the condition of suffering humanity. My noble Friend has observed that improvement in the treatment of the disease has been slow. I am bound to say that though slow it has been progressive; and I see with great satisfaction in the House to-night my right hon. Friend the Member for the county of Montgomery (Mr. Wynn), who at an early period of his life devoted much of his valuable time to this important subject. I hope and believe that the proceedings of this day will be most satisfactory to his feelings. I always admired the course which he pursued with regard to this subject, and I am glad to see that the time has come when his wishes will be accomplished. The time, I think has arrived when what was permissive shall be compulsory—when the counties throughout England and Wales shall be compelled by law to find sufficient means and accommodation for the cure and custody of those unhappy persons to whom my noble Friend's measures refer, and for whose relief and benefit my right hon. Friend was the first to obtain the intervention of Parliament. I might detain the House longer, but I think it will suffice that I say no more now than that I have the greatest pleasure in seconding the Motion of my noble Friend.

Viscount *Clements* said, he had no doubt that the Bills that would be introduced for England would please both sane and insane; but he had to complain that the measure intended for Ireland, so far as he knew of it, was neither as liberal nor as comprehensive as could be desired.

Mr. *F. Maule* was glad to hear the right hon. Baronet declare it to be his opinion and the opinion of the Government, that the time was come when this subject could be no longer neglected. He had listened with extreme interest to the speech of the noble Lord, characterized as it was by those deep feelings of humanity which had marked the whole course of his policy in that House, and established for him the reputation of desiring to legislate, not upon the ground of mere party interest, but upon the broad basis of humanity and Christian feeling. He entirely concurred in all the principles which the noble Lord had laid

down in reference to the measures he was about to introduce, and in none more readily than that which went to make them compulsory. But he was anxious to see that principle extended to Scotland; and he entreated the right hon. Baronet and the noble Lord to institute some searching inquiry into the management of lunatics in Scotland—not pauper lunatics only, but lunatics in general. He believed he was correct in saying, that there was not an asylum in Scotland which could be compelled to receive a lunatic. What he would suggest to the Government was the simple process, without loss of time, of appointing a Commission to examine and report to that House the whole state of the question in Scotland. There was much in the proposed Bills that might be made applicable to that part of the country: and he was certain that the sense of the people of Scotland, as well as of England, would show itself favourable to the consideration of the question upon the score of humanity, without reference to expense.

The *Lord Advocate* had also heard the statement of the noble Lord with the greatest pleasure and satisfaction. It would, perhaps, be recollected, that when he had occasion to announce the measure which had been alluded to by the right hon. Baronet, he expressed his dissatisfaction at the present state of the law. He knew at that time that the present measures were contemplated by the noble Lord. He had since endeavoured, privately as well as publicly, to obtain correct information upon the subject as regarded Scotland. That very morning he had received notice of an intended deputation with reference to the question of establishing lunatic asylums, applicable to the northern counties of Scotland. He stated this in order to let the hon. Gentleman see that the question in connexion with Scotland had not been lost sight of.

Sir *G. Strickland* spoke of the great difficulties which magistrates frequently encountered in the discharge of their duty, owing to the want of public lunatic asylums, and expressed his satisfaction that the proposed measures were to be not only general, but compulsory. He was sure that in the end the compulsory system would be found to be the most economical as well as the most humane.

Mr. *Henley* expressed his thanks to the noble Lord for bringing forward these measures.

Mr. *Brotherton* felt, that the noble Lord was entitled to the gratitude of the country for having brought these measures forward. In dealing with these details there were two points which he wished to impress upon the noble Lord and the Government. One was, the great importance of treating cases early. In order to do so, he thought it desirable, that some facilities should be afforded of sending persons to the intended asylums who were not exactly paupers, such as mechanics and other labourers, who might not have means enough to bear the expense of a private asylum, and who, if properly treated in the early stage of their complaint, might in a short time be restored to their previous position and state of mind. He was sure that such a provision would be highly beneficial. The other point to which he should call attention was the necessity of not overcrowding these asylums, or making them larger than was requisite for the accommodation of a number of persons not exceeding 300. In the county of Lancaster there were from 600 to 800 lunatics without any fit provision for their peculiar and melancholy condition—most of them being placed in workhouses, owing to the expense of sending them to the asylums. In first treating cases, he thought that a distinction should be made between recent and chronic cases; and he approved of the noble Lord's proposition for sending them, in the first instance, to a place where there was a possibility of their being cured, and afterwards to another asylum at a less expense.

Leave given to bring in the Bills.

PRIVILEGE—PRINTED PAPERS.] Mr. *W. Wynn* said, that owing to the number of Papers which the Committee of Privileges had to inspect, and the many searches they had to make, they would not be able to lay before the House any Report in sufficient time to be considered on Monday next. He, therefore, proposed that the adjourned debate on the question be further adjourned to Monday week.

Debate further adjourned.

House adjourned at seven o'clock.

HOUSE OF LORDS,

Monday, June 9, 1845.

MINUTES.] BILLS. *Public.*—1ª. Tenants Compensation (Ireland).

2ª. Canal Companies Tolls; Canal Companies Carriers.

Reported. — Death by Accidents Compensation; Bail in Error.

3ª. and passed:—Small Debts.

Private.—1ª. Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church; Kidwelly Inclosure; Brighton, Lewes, and Hastings Railway (Keymer Branch); Belfast and Ballymena Railway.

2ª. Scottish Central Railway; Leicester (Freemen's) Allotments; Glasgow Markets.

Reported.—Standard Life Assurance Company; Nottingham Waterworks; Cromer (Norfolk) Protection from the Sea; Wilts, Somerset, and Weymouth Railway; Dunstable and Birmingham and London Railway; York and North Midland Railway (Bridlington Branch); Bedford and London Railway; York and Scarborough Railway Deviation; Eastern Counties Railway (Ely and Whittlesea Deviation); Exeter and Crediton Railway; Midland Railways (Nottingham to Lincoln); Chester Improvement; Spoad Inclosure; Whittle Dean Waterworks.

PETITIONS PRESENTED. From West Ham, and 4 other places, for the Establishment of Local Courts.—By the Bishop of London, Duke of Rutland, Earls Fitzwilliam, Bandon, Warwick, Radnor, and Winchilsea, Marquesses of Clanricarde, and Breadalbane, the Lord Chancellor, and by Lords Farnham, Redesdale, Stanley, Brougham, and Kenyon, from Clergy and others of Upper Hardras, and numerous other places, against Increase of Grant to Maynooth College.—From Association at Bath, and from Killbridge, for Encouragement to Schools in connexion with Church Education Society (Ireland).—From Cranwall, against the Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop of Manchester.—From Trustees of several Turnpike Roads, for the Insertion of a Clause in Railway Bills to compel Railway Companies, under certain circumstances, to make Compensation to Turnpike Trusts.—By the Earl of Zetland, from Provost, Magistrates, and others, of Kirkwall, for Abolishing Religious Tests in Scotch Universities.—From Minister, Elders, and others, of the Parish of St. James, Glasgow, against the Universities (Scotland) Bill.—By Lord Redesdale, from Sadlers of the City of London, and from the Master, Pilots, and Seamen, of the Corporation of Trinity House, Newcastle-upon-Tyne, for Exempting certain Charities from Provisions of Charitable Trusts Bill.—From Wray, and Bolton, in favour of the Charitable Trusts Bill.—From St. John Mason, Barrister-at-Law, for the Adoption of Measures for Converting Estates for Lives, renewable for ever into Perpetuities.—From Freemen and Freemen's Widows of Leicester, in favour of the Leicester Freemen's Allotments.—From Journeymen Tailors of Bolton, for Inquiry into the Sanatory Condition of their Trade.—From Commissioners of Court of Requests for Westminster, and from Inhabitants of Portland Town, against the Insolvent Debtors Act Amendment Act. — From Inhabitants of Perth, complaining of Contemplated Railway Encroachments upon the part of the Pleasure Grounds of the People, and praying for Protection.—By Lord Stanley, from Presbyterians of Carrickfergus, and from Toxteth, in favour of Increase of Grant to Maynooth College.—From Barrow, and Selkirk, for the Suppression of Intemperance.—From Inhabitants of Nottingham, against Nottingham Inclosure Bill.—From Rev. W. Spark, Moderator, and from Members of the Presbytery of Kirkway, Orkney, for Improving the Condition of Schoolmasters (Scotland).

NEW HOUSES OF PARLIAMENT—EXPLANATION.] Lord *Wharncliffe*, in reference to some observations made on Thursday last by a noble and learned Lord opposite (Lord Brougham), respecting a supposed assurance given by the architect of the new Houses of Parliament, wished to say, that he conceived the whole matter to have arisen out of a misapprehension. The noble and learned Lord was understood to say, that the assurance given on the subject was not of greater value than the piece of paper upon which it was written. It was not to be expected that the gentleman to whom that language was applied would remain indifferent to such an accusation; it did affect him most seriously; and he hoped that the noble and learned Lord would at once see the matter in its true light. Mr. Barry had written to him (Lord Wharncliffe) a letter, in which he said, that he was not in the habit of making assurances which he could not carry out, nor did he think that he had given an assurance or pledge that the new House of Lords should be finished at any particular time. Undoubtedly he had expressed an opinion, when asked as an architect if the House would be finished at a certain time, that it would be so finished; but it did not amount to anything that could be called an assurance. The noble Lord then went on to say, that "Mr. Barry was all but resisting the authority of the House; that he was fencing with the House." Mr. Barry wished him to assure their Lordships, that he had no intention of resisting their authority or opposing their wishes, or of fencing with the House; but at the same time, that he was undoubtedly very unwilling to make any statement which could be construed into an opinion as to when the Houses of Parliament would be finished. The noble and learned Lord further went on to say, "he (referring to Mr. Barry) foolishly, shortsightedly, and, as he will find to his cost, most ignorantly, fancies that he has high protection out of this House. He will find himself mistaken." He (Lord Wharncliffe) was authorized to assure their Lordships that Mr. Barry did not rely on any protection out of that House; he (Mr. Barry) had been honoured with the approval of many persons; but he was not aware that he had any protection of the nature referred to by the noble and learned Lord. His noble and learned Friend afterwards objected, with some warmth and energy, to an adjournment,

without cause shown; stating that, "after having lost the whole day, owing to Mr. Barry and those who protected Mr. Barry out of the House, he objected to lose another morning of judicial business without cause shown." This was, undoubtedly, a very hard accusation. Mr. Barry regretted exceedingly the inconvenience the noble and learned Lord had suffered; and he (Lord Wharncliffe) might be allowed to read to their Lordships the concluding part of the letter he had received from Mr. Barry on the subject. Mr. Barry says—

"Relative to the new Houses of Parliament, I think it right to acquaint your Lordships that you are under an erroneous impression that I have any protection out of the House. It is my most earnest desire to consult the convenience of the House in all respects; and I am anxious to take this opportunity of stating, that I will do all in my power to consult the wishes of the House, as to the completion of the building next Session."

Lord *Brougham* said, whether Mr. Barry had acted prudently or otherwise in bringing this subject under their Lordships' notice, was for himself and the noble Lord (Lord Wharncliffe) to determine. But the noble Lord had adopted a most unusual course, and one which was never permitted, of bringing before Parliament a letter written by a person out of doors to a Member of either House, complaining of anything that had been said in the course of debate. Such a proceeding he had never heard of before. He never knew such an irregular proceeding in either House, as a complaint being brought before them from a person out of doors relative to what had been said in debate. Such a proceeding was never allowed, though complaint might be made respecting anything that appeared upon the Votes. However, he would make Mr. Barry a present of that, and let him (Mr. Barry) suppose that his proceedings had been in every way regular. He (Lord Brougham) had only to say, that he had no one single word of his former statement—which was very accurately reported, though he did not think quite in such strong language as he had used—to alter. He was bound, in justice to Mr. Barry, to repeat what he had before said. Whether Mr. Barry had given an assurance or an opinion on the subject, was to him perfectly indifferent; if an architect, examined on oath before a Committee, chose to declare that, according to the best of his judgment and belief, their Lordships would be in their new House before a certain period, that, in his view, amounted to an assurance, not a mere opinion. That was not only an assurance, but a positive opinion. When he (Lord Brougham) said, that that assurance was not worth the paper on which it was written, he had over-estimated its value. Mr. Barry, like many persons who obtained small damages in court, applied for a new trial, and got still smaller damages. Mr. Barry got little by his first statement, but he gained still less by his second—his amended statement. He (Lord Brougham) made the statement the other night with perfect good humour—in as good-humoured a manner as the noble Lord (Lord Wharncliffe) had defended his friend. He (Lord Brougham) was as good-humoured as he could be, when he felt that that House had been ill-treated. He was not the only Member of the Committee who entertained this opinion; he believed that every other Member, without exception, concurred in his views. He (Lord Brougham), on a former occasion, analyzed the evidence on this subject, and showed most distinctly contradiction upon contradiction in that evidence; and he then made a much more serious charge against Mr. Barry than he had done now, because that evidence was given upon oath, and he proved that it was incorrect. He had, however, been forced to adopt this course by Mr. Barry himself. Mr. Barry had got the name of delay; as Quintilian said of Tully, that he was not only an orator, but the name of eloquence itself—as Lord Coke said of Lyttelton, that his name was not only that of an author and a judge, but of the law itself—so Mr. Barry was not only a Gothic architect, not only was he a dilatory man, but the very name of delay itself. Mr. Barry had distinctly stated to them, as one reason of the House not being in the desired state of forwardness, that he wished the whole building to be prepared at once, in order that there might be a great show at the opening. Then, from a regard to the Fine Arts, their Lordships were to be detained until the new Houses could be adorned. One great question was, whether the corridors and apartments were suitable for a display of the Fine Arts; but the only art they had to do with, was the somewhat coarse art of legislation and deciding cases. It seemed

that the Commission on the Fine Arts was a very important body. No doubt it was; but their ingenuity seemed to be exercised in finding out means of delaying their Lordships in the occupation of the new building. But undoubtedly that was a very important Commission, and why? Because his Royal Highness Prince Albert was at the head of it. He (Lord Brougham) said this in so many words; and he did not care whether Mr. Barry liked what he said or not. Mr. Barry looked to that Commission; he wished to have their Lordships' House made subservient to the views of that Commission; and their Lordships might depend upon it that this was the reason they were kept out of the new House. It was for Mr. Barry to consider whether it was prudent on his part to push inquiry on this subject farther. If it was their Lordships' wish, he (Lord Brougham) was ready to give notice of a Motion on the subject; but he thought it more advisable that the Committee of his noble Friend near him (the Marquess of Clanricarde) should be revived, and that Mr. Barry should be again examined.

The Marquess of *Clanricarde* said, there could be no doubt that the proceeding of the noble Lord opposite (Lord Wharncliffe) had been irregular; but it was not to be considered as a precedent. He well remembered what his noble and learned Friend said on Thursday night on this subject; and having heard the language of his noble Friend read, he was prepared to say, that he entirely and fully concurred in every word that had fallen from him. If he had thought such a course would have led to any result, he (the Marquess of Clanricarde) would himself have submitted a Motion to their Lordships; but they were placed in a somewhat extraordinary predicament. They possessed very little power; and this Mr. Barry had more than once intimated to them in Committee. He was prepared to say, that Mr. Barry had given assurances which had not been fulfilled. He did not wish, however, to be understood as casting any reflection upon Mr. Barry, except in his professional capacity. He referred to the opinion and assurance given by Mr. Barry as a professional man —as an architect; and he must say that Mr. Barry had given several assurances which had been totally falsified. What was the case now? It had been said in the first instance, that the whole building would be finished in about two years; afterwards they were told, over and over again, that a pledge was given that the portion to be first completed was the House of Lords; and now, at the end of eight years, during a great part of which it appeared from the evidence that Mr. Barry was uncontrolled, he declined to give any pledge or assurance as to the period at which their Lordships might expect to occupy the New Houses. This showed how little credit and reliance were to be attached to Mr. Barry's assurances. Mr. Barry, in the letter read to-night by the noble Lord opposite, said that it was his earnest desire to comply with the wishes of their Lordships; but he must say that Mr. Barry's conduct had not evinced any such feeling. There was no doubt that the time, the labour, and the money which had been expended in completing the beautiful river front and the towers, would—if they had been seriously applied with that object—have enabled their Lordships now to possess proper accommodation. He hoped the Committee would re-assemble very shortly; and that they would do all in their power to effect this object. They were, however, as the noble and learned Lord (Lord Brougham) had said, met with the statement that attention must be paid to the Fine Arts. Undoubtedly, the Fine Arts ought to be introduced, with a view to render the new building a suitable place for the meetings of the Senate of this great nation; but the Fine Arts ought to be made subservient to their Lordships, instead of their accommodation being made subservient to the Fine Arts. It appeared from the evidence that some delay had occurred from the form of the approaches, or the shapes of the roofs and corridors not having been determined upon; because it had not been decided whether they should be decorated with statuary or painting; but the skill of the artist ought to be applied to the decoration of rooms formed for convenience, instead of making the construction of the rooms subservient to the display of his art.

Lord *Campbell* said, he believed Mr. Barry to be a very great architect, and a very honourable man; but he must say, that he thought he had been trifling with their Lordships' House. He was convinced their Lordships might now have been properly accommodated in the New Houses;

but, for some reason or another, Mr. Barry seemed determined to set them at defiance. The Society of Lincoln's Inn had just erected a new hall, which, in his (Lord Campbell's opinion, would be almost as great an ornament to the metropolis as the New Houses of Parliament. That hall was commenced only a year and a half ago; and the Society were to take possession of it next month. He believed that if Mr. Hardwicke, the architect of that building, had been employed to erect the New Houses of Parliament, they would by this time have been perfected, though they might not perhaps have been equally distinguished by Gothic ornament.

DONAGHADEE AND PORTPATRICK PASSAGE.] The Marquess of *Londonderry* inquired whether Government intended to keep up the passage between these ports, and, with that view, whether they would complete the harbours, and put good powerful packets on the station. Upwards of 300,000*l.* had been sunk upon these harbours, but they were not yet completed; and, in fact, were in such a state, and the money actually expended from year to year upon them was bestowed in such a niggardly way, that the sea every winter ruined the labours of every summer. A railway company, who proposed to run a branch line to Portpatrick, had been officially informed that Government did not intend to abandon the harbours. By means of this railway the mails could be conveyed to the north of Ireland five or six hours earlier than by any other route; and he was authorized by the directors to state that if the Government would put this packet station in the condition in which it ought to be, which would cost about 30,000*l.*, it would be a strong inducement to the company to persevere with the line they had projected.

The Earl of *Haddington* replied, that the Admiralty had unquestionably given to the projectors of a railway, who proposed to run a branch to Portpatrick, the assurance which had been stated to the House. There was no doubt that the Lords of the Admiralty were of opinion that the best mode of communication between the north of Ireland and the south of Scotland was by the passage from Portpatrick to Donaghadee. In questions of communication, the great point was to go as far as possible by land, and as little way as possible by sea; but whether the passage in question should be ultimately and permanently retained, and whether those large packets should be used on the station which it was certainly desirable to see used, depended altogether upon circumstances over which the Admiralty could have no control. If the railway to which his noble Friend referred—which had been lost in the House of Commons in consequence of the Standing Orders not having been complied with—had been carried out, he agreed that it would have been desirable to provide the facilities suggested by his noble Friend in aid of that communication; but Her Majesty's Government did not consider it would be a proper use of the public funds to expend a large sum of money, as it were on speculation, in the improvement of the harbour of Portpatrick.

The Earl of *Northampton* remarked that the shortest and nearest passage between the two countries was by the route mentioned. The subject was one which deserved the consideration of the Government. They should remember that they were now pursuing a conciliatory course towards Ireland; and that their object was to tighten the bonds which united the two countries—not the bonds of force, but of attachment and loyalty—and in order to attach Ireland to the connexion with this country, he thought they ought to show a willingness to sacrifice a reasonable amount of the public money, if that expenditure were considered to be in some degree necessary for the purpose of shortening and facilitating the means of communication between the two islands.

The Earl of *Ellenborough* said, it was obvious that anything that would tend to facilitate communication between England and Ireland must be advantageous to both countries. The application of steam to the purposes of navigation, made it, he thought, necessary to make some alterations at Portpatrick. He had himself experienced considerable inconvenience both in getting in and in getting out of the harbour—the difficulty of getting out was the greater—and the consequence of the insufficient accommodation of that harbour was, that they were obliged to put steamers on that station so small that they were totally unfit for contending with the sea they had to encounter, on the passage from Portpatrick to Donaghadee.

The Earl of *Haddington* said, larger vessels could not get into the harbour.

He had already stated that the moment the Government were assured that Portpatrick was to be the point of communication, it would be their duty to take into consideration the means of making it efficient for its purposes.

After a few words from the Marquess of Londonderry, the subject dropped.

COMPENSATION TO TENANTS (IRELAND) BILL.] Lord *Stanley:* My Lords, I now proceed to lay on your Lordships' Table the Bill which, on the part of Her Majesty's Government, it is my duty to bring forward, for the purpose of providing compensation to tenants in Ireland, in certain cases, on being dispossessed of their holdings, for such improvements as they may have made during their tenancy. And, as this Bill is of somewhat an unusual character, I may be excused if, instead of confining myself to merely describing the provisions of the Bill, I preface those provisions by a statement of the motives which have induced the Government to consider it to be their duty to submit this measure to the Legislature. A noble Friend of mine, whom I do not now see in his place, expressed a regret the other night, in which I fully participated, that Ireland has been too often made the battle field of contending political parties. On this occasion, my Lords, I am happy to say there can be no such complaint; and whatever differences of opinion there may be as to the merits of the measure itself, there can be no such differences as regards the objects we have in view; for the agricultural improvement of Ireland, and the raising of the condition of the agricultural population of that country, is an object which I am confident will meet with your Lordships' unanimous concurrence. In the Report of the Commission which was presided over by my noble Friend the noble Earl near me (the Earl of Devon)—a Report which, if it did not contain anything of striking novelty, has at all events the merit of bringing together a large mass of unsuspected testimony from all parts of the country, of analyzing it and bringing it to bear on all the prominent evils of the country, and of pointing out the specific remedy for those evils of which the existence was admitted. In the commencement of that Report I find the following passage:—

"Whatever difference of opinion may be put forward or entertained upon other points, the testimony given is unfortunately too uniform in representing the unimproved state of extensive districts, the want of employment, and the consequent poverty and hardships under which a large portion of the agricultural population continually labour. The obvious remedy for this state of things is to provide remunerative employment, which may at once increase the productive powers of the country, and improve the condition of the people."

Now, my Lords, I apprehend there is no man who knows aught of the state of Ireland who will not concur in this statement of the Report—that between the population and the means of employing that population there is a great and alarming disproportion; and that that disproportion can be met and conquered only by one of two modes—either by reducing the population to the limits of the means of giving employment, or increasing the means of employment so as to make them commensurate with the amount of the population. The first of these modes is that which is advocated by those who are in favour of a large and general measure of emigration, by which the amount of the population may be reduced so as to bring it within the means of employment. And in certain circumstances, and in certain localities, I believe that a well-devised system of emigration, carried on with prudence, with humanity, and with discretion, may have the effect of placing the emigrants, as well as those who remain at home, in a more prosperous situation than under present circumstances they can hope to attain; but I cannot look to any system of emigration as that which should be applied as a general, much less a compulsory measure. There will necessarily be great evils, and great liability to abuse, in any system of emigration. Compulsory clearly it must not be; if there be anything like compulsion in the emigration, it becomes an act of tyranny and oppression; and, under the most favourable circumstances, the warm attachment of the Irish peasant to the locality in which he was born and brought up will always make the best and most carefully conducted system of emigration, a matter of painful sacrifice on the part of the emigrant, involving to a large and painful extent his personal and domestic feelings. But, moreover, you cannot, consistently with the considerations you owe to your Colonial possessions, or to the parties you send out, content yourselves with merely removing a vast mass from this country—a vast mass, be it remembered, of labour, and labour only—or flattering yourselves that by thus removing the superabundant labour from this country to the

unoccupied lands of your Colonies, you are doing more than removing from your own eye the misery you do not want to see, to be renewed in the Colony to which you transfer it to an aggravated extent. You cannot send that labour to your Colonies without, at the same time, sending with it capital to employ it; and the expense which would be necessary for that purpose—even if you had the land at your disposal—would be so great to this country, that no Parliament would be found willing to agree to it. The expense you must incur to send out from this country, and maintain even for a year, until the land would afford the necessary occupation and subsistence—the amount of labour which now goes out annually to your Colonies by voluntary and spontaneous emigration, and is absorbed by the legitimate demand for labour, and the employment of capital in those Colonies, would be at least two millions sterling. You must be careful also, in any general system of emigration, who you send out. If you send out only the able-bodied and industrious, you deprive yourselves of the strongest and most valuable part of your own population; and if on the other hand you send out only the infirm and indolent, you send them from misery here, to the absolute certainty of still greater suffering, if not actual starvation. Therefore, while I am ready to admit that emigration may be relied upon to some extent, and though I have had recourse to it myself in some instances, and with the full consent of those who went out, I say, that as the means of proportioning the population of Ireland to its means of giving employment, emigration is not to be thought of for a moment. That being the case, we must look to the means of increasing the amount of the employment so as to make it more equal to the amount of the population. And it is not space that is wanted in Ireland; though undoubtedly the population is superabundant in some districts, I am not prepared to say that the country is overpeopled. There are in Ireland many large tracts of waste land which might be brought into cultivation, and many other large tracts which, though now cultivated, might be made more productive under improved management, and by a further expenditure of capital. Mr. Griffiths, in his able Report upon the State of Ireland, says, there are now no less than 1,300,000 acres of land in Ireland unoccupied, which were capable of being brought into successful cultivation and tillage, and there are also 2,400,000 acres that might be made profitable for pasturage. There is then of lands now entirely waste and unoccupied, not less than 3,700,000 acres, which require only an expenditure of capital to make them productive and remunerative to the landlord. But there is also another remarkable circumstance, which was stated in the Report of the Commission appointed to inquire into the state of the Poor in Ireland in the year 1836, which was this —that the produce per acre of land in Ireland, as compared with the produce of the land in England, scarcely amounts to one-half in value, notwithstanding that there are employed upon it a number of labourers, more than double the number per acre employed upon the land in England. The total number of cultivated acres in England is 34,254,000—the number of cultivated acres in Ireland is 14,603,000—the produce per acre in England was 4*l.* 7*s.* 6*d.*; in Ireland the produce per acre was 2*l.* 9*s.* 3*d.*; and yet there are employed no less than 100,000 more labourers on the cultivation of the 14,000,000 of acres in Ireland, than on the 34,000,000 of acres in England. Therefore, I say that you do not want space to employ the labour upon in Ireland, but what you do want is capital to employ it, and that capital can proceed from one of these sources only—from the State—the landlord—or the occupying tenant. With regard to the first of these sources, I do not mean to undervalue in any way the importance of the improvements which have been effected in Ireland at the expense of the State, or of the great alterations made in the face of that country under the superintendence of my noble Friend opposite (the Earl of Besborough) while he was at the head of the Woods and Forests Department. I do not deny or undervalue the importance of the great alterations effected, and profitably effected, I believe, as regards the interests of the Crown; but certainly as regards the country, by the expenditure of the public money, in bringing into cultivation and productiveness large tracts of waste and previously uncultivated lands. But what I say is, that this is not the legitimate source to which you should have recourse, and to which you should be taught to look on all occasions. You cannot, in the first place, supply it for the purpose of carrying out any general system of improvement; and if you could, it is not the source to which either the landlord or the occupying tenant should be encouraged to look for

the improvement of his land. Then the Legislature has given facilities to the landlord, and I rejoice at it, for it is the only way in which it can be done effectually, by removing those legal impediments which stood in his way, to enable him to improve his own property; an interference which all must admit to be a most proper and a most useful one for the Legislature to make, and which has tended much to the improvement of the country. But the most important, because the most effectual, means of improvement must be effected by encouraging the occupying tenant to invest his capital and his labour in the land; and this is an object to which the Legislature has not yet directed its attention, though it is an object well worthy of its most serious consideration—not only because you will thereby engage, in increasing the produce of the soil, a large amount of capital which is now lying dormant and idle, but because, in those improvements, effected by the labour and industry of the occupying tenant, and in which he has been induced also to embark his capital, there is additional security for the permanent settlement of property in Ireland, the maintenance of good order, and the general contentment and happiness of the country. Perhaps your Lordships may say, it is somewhat extraordinary to talk of the capital of the occupying tenant in Ireland. I do not mean to deny that the great bulk of those tenants are men in exceedingly penurious circumstances, having no monied capital; but then there are, nevertheless, some of them who are in possession of sums of money that would surprise many of your Lordships to hear stated, knowing the habits of the occupying tenants of England. Though generally poor, they do contrive to get together among themselves large sums of money; and it is a prominent, though an unhappy feature in the state of that country, that whereas the occupying tenant in England, when about to enter upon a farm, endeavours to prove to the landlord that he has capital wherewith to improve the farm he is about to take, in Ireland no such anxiety exists; but, on the contrary, the incoming tenant there, studiously conceals whatever amount of capital he may have, fancying the knowledge of its being in his possession would lead to increased demands and increased exactions from the landlord. [The Marquess of *Westmeath* here made a gesture of dissent.] I am happy to see my noble Friend near me shake his head, for I conceive I may infer from that, his experience in this respect is different; but I have known instances where the money in the possession of an offering tenant has been studiously concealed, in order to prevent such demands on the part of the landlord, to prevent such demands on the part of his clergy, and to prevent such demands on the part of other claimants, not so legitimate, perhaps, but equally pertinacious, and whose claims, he knows, will be pushed forward with a pertinacity and an importunity exactly proportionate to the means which it is known he has of satisfying them. Then, my Lords, I say, there is an amount of monied capital amongst the occupying tenants of Ireland; but that capital which they have in superabundance, undoubtedly, and which might be beneficially employed in improving their holdings, is, if not their monied capital, their personal industry, which is now, in a great measure, locked up and lying dormant, and which I now call upon your Lordships to invite the tenantry of Ireland to apply to the cultivation and improvement of the lands upon which they are settled. But this capital can only be called forth into practical activity, by giving to the tenant security that for its expenditure and outlay he shall not be removed from his land whereon he has expended it without fair compensation for the improvements which it has effected. I am quite aware that I may be met with the general objection that to do this by legislation would be an interference with the rights of property, and the relations between landland and tenant in Ireland, which you do not admit in this country; and though I perceive that I am not to expect my noble Friend at the Table (the Marquess of Londonderry) to agree with all I say as to the relations between landlord and tenant in Ireland, I speak without reference to the exception, but as regards the general rule, I must say of those relations, that if they were as well understood in Ireland, and their obligations were as strictly enforced there as they are in England—if the relative circumstances of landlord and tenant were the same in Ireland as they are in England, I do not know that I should be disposed even to support any Bill to interfere with those relations; at all events, I freely acknowledge that I should not be found to stand up in support of this Bill which I am now about to introduce. But the circumstances of Ireland and England, in this respect are so different, that I think

a sufficient reason for some such interference is proved. In England, though it is certainly true that there are many very large estates, it is also true that there is a large number of only a moderate extent. Property is considerably subdivided throughout the country; the number of freeholds of moderate extent is large, and the number of very large estates is not, comparatively speaking, so great as in Ireland. Then the landlords in England are, for the most part, resident on the property they hold; and though it would be going too far to say, that generally speaking, they are unencumbered, still, as a body, they are not in that state which renders it necessary for them to press harshly and oppressively on their tenants; and, in fact, if they did so, the result would be, that they would have the farms in their own hands, and they would find great difficulty in obtaining tenants at all. Then, again, in England the presence of an intermediate lessee between the landlord and the occupying tenant is the exception and not the rule. Except in some cases of life interest, to which it is not necessary that I should refer further, the landlord is, as a general rule, brought into direct communication with his tenant; and a knowledge of circumstances and a feeling of kindness and consideration on the one side, and perfect confidence on the other, is engendered between landlord and tenant. Then, at the expiration of the lease, in England both parties understand, as a matter of course, that the contract between them is at an end, and both are free to make other arrangements. The landlord is free to change his tenant if he think fit, and to let the farm to some other person who will pay a higher rent for it, or who may be, from other circumstances, a more advantageous tenant; and the tenant, on his part, is free to seek a more eligible farm. Both parties know that a lease is binding only while its term holds; but that from the conditions of which both parties are free when it expires. Then, again in England the farms generally are of some considerable extent—sixty or seventy acres is a small holding for one farmer, and it often happens that the farms extend to many hundreds of acres. Here too, the tenant farmer is a class distinct from the agricultural labourer: for though there are many tenant farmers who cultivate their land with their own hands, yet the class of tenant farmers of England are distinct as a class from agricultural labourers; and, lastly, every tenant farmer, on taking a farm in England, and I believe in Scotland, looks as a matter of course—not founded upon any law certainly, but upon a custom which is rarely departed from—to the landlord to place the farm before he enters upon it in tenantable repair; that is, in regard to the fences, the drains, the dwelling house and buildings, and, in short, in regard to all those things which in England are considered as the necessary accompaniments to a farm. But in Ireland the case in reference to all these various matters is not only dissimilar, but exactly the reverse. There the number of the proprietors of the land is small, and their average holdings is large; the landlords, many of them, are non-resident, and consequently but little acquainted with the occupying tenants; there a large portion of the estates is held by middle-men—though I am happy to say that practice is now to some extent falling into disuse—and they let out the land to the occupying tenants at rack rents. [*Loud cries of* "Hear, hear!"] I say at rack rents, and I must also add that the holding is at will. If leases are granted in Ireland, it is as the exception, and not as the rule; whereas in England it is the rule, and not the exception; unless, indeed, in some few cases, where the family of the landlord, having been long resident in the district, has, in its successive generations, been brought into connexion with successive generations of tenants, and in those cases both landlord and tenant being perfectly and intimately acquainted, have an implicit reliance upon each other's character and honour; but in Ireland, at all events, as I have said, the lease is the exception, and not the rule; and in Ireland the farms are of the smallest possible dimensions. When I say the farms in Ireland are of the smallest possible dimensions, the fact is so stated in the Report, I think, of the Poor Law Commissioners made in 1843, in which it is stated that out of 1,140,000 tenements rated to the Poor Law in Ireland, 629,000 and upwards, say 630,000, or more than one-half of the whole, are rated below the value of 5*l*. Here is a strong proof of the smallness of the holdings, though it is true that this statement applies to the towns as well as to the country. But your Lordships will find, on examining the Report, and the evidence on which it is founded, that complaints were made as to the practice of consolidating farms, and of the hardship of the practice which was

growing up of throwing several small farms into one large one; and upon the question being asked to what extent the farms were raised by this practice of consolidation, it turned out that these large farms, of which complaint was made, amounted to twenty-five, fifteen, and in some cases, to no more than ten acres. This proved how small was the average amount of the farms in Ireland, when a farm of twenty-five acres was looked upon as a monstrous grievance, and an exorbitant holding of land by one person. Farms of twenty-five and down to ten acres—[a noble Lord here made some observation which was not audible]; well, take them from fifty, if you will, down to twenty statute acres—were looked upon in Ireland as exorbitant holdings; and these were held under middle-men, often tenants at will under a non-resident landlord, and held to an extent not exceeding twenty acres—the universal practice being that all buildings, including even the dwelling-house, all fences and drains, which in England were put in repair by the landlord, were expected to be done by the tenant, and if not they were not done at all. Now imagine the case of any one of your Lordships having an estate of 20,000*l.* a year divided into twenty acre farms, the owner never visiting the tenants, those tenants holding under an intermediate lease, and, as tenants at will only, paying a rack-rent, and required not only to make good and keep in repair all drains, fences, and outbuildings; but even to build their own dwelling houses! Could that noble Lord be surprised to find that no improvement took place in those farms, and that the dwellings of the tenants were mere hovels? Could he be surprised to find on those farms everything neglected and in ruin; the land unproductive, the cultivation defective, and the estate peopled, instead of by an industrious, thriving, and a peaceful, by an idle, a dissolute, and a disturbed population? And yet this, with some honourable exceptions, is not a highly-coloured or exaggerated picture of the position of a large portion of the tenantry of Ireland. Then is not this a state of things in which it is for the interest even of the landlord himself that we should apply the same rule in Ireland as exists in England, and that we should interfere to give to the tenant some security and encouragement, that if he chose to spend his capital and labour in improvements that will increase the value of the property, he should not be turned out of his wretched holding without compensation for his outlay, whether of money or of labour? Look at the consequence of the absence of some such interference on the part of the Legislature. What is the practical result, and what is the nature of the imperfect and most objectionable remedy which has been applied to meet this intolerable evil? It is that which is referred to by the Commissioners in their Report, and prevails in the north of Ireland, and under which more security existed and more improvement had taken place than in any other part of the country, and which is known by the name of the 'tenant-right'—that was, the purchasing by the incoming tenant of the good will of the former, who is about to give up his farm, though he holds it only as tenant at will. Under that right, the outgoing tenant sells to the incoming tenant the right to occupy that which he holds only as tenant at will; and what is the result? The tenant, while in the occupation of the farm, has sunk a sum of money which is lost to him, principal and interest; if he goes out without transferring his right to another tenant, then the amount paid for this 'tenant right' is not measured by the extent of the improvements the outgoing tenant has made in the farm, but by what he can obtain by the competition of several needy tenants paid down to him on his quitting. This must necessarily neutralize all the advantages which would otherwise arise from a landlord letting his land at moderate rents; and there would be but little use in doing so, if the result is to be that the tenant who goes out is to sell his interest to the tenant who comes in; and instead of the latter paying to the landlord a rent proportionate to the improvements made in the property, he is to pay a large consideration to his predecessor in the shape of a fine, which necessarily leaves him a poor man, and incapable of stocking his farm properly, and of making further improvements. [A Noble *Lord:* The right is exercised subject to the will of the landlord.] My noble Friend says this right is subject to the will of the landlord. It is true that the landlord has in some cases exercised a right as to the amount to be paid as the 'tenant right,' and of saying who shall be the tenant to come in; but that I believe is the exception, and not the rule. On the contrary, the general practice is as I have stated it; and the result is, that the tenant, at that moment when he wants all his money to stock his farm, is compelled to make him-

self a poor man, and perhaps an indebted man, by being compelled to pay, on taking possession, a premium varying from ten to fifteen years' purchase, and often more, for the right to occupy the land. This, my Lords, is the principle of the 'tenant right;' the remedy which has been applied in the north of Ireland to the gross injustice of the tenant having no compensation, and which has given to a certain extent a sense of security to the tenant, and has led to considerable improvement, but a remedy which, both in principle and detail, is only one degree less gross and unjust than the principle it is intended to supersede. But what is the case in the south of Ireland? There the tenant holds by a more dangerous tenure; not by the character of his tenancy on the payment of rent, but by the security he derives from the fears of his landlord. [*Loud cries of* "Hear, hear!"] I say, throughout the south of Ireland, if a tenant continues to pay his rent, however ill he may farm the land, and however little hold he may have by law upon the land, the bulk of landlords dare not, and therefore do not, attempt to remove even the most disorderly, idle, and objectionable tenant, though, for the purpose of substituting the most industrious man, a man possessing capital, and willing to expend it in improving the estate: therefore, the 'tenant right' in the north, and the general feeling of sympathy of the mass of the people for the ejected tenant and the intimidation that prevails in the south, are the only substitutes for what I now recommend; namely, a legal security to the outgoing tenant, that, under certain circumstances, he shall be entitled to compensation for the effects of his own industry, and the expenditure of his capital in improving the value of land, if he should be ejected before he has had time to reap their fruits. I have no doubt I shall, by this proposition, disappoint those who think the Legislature should interfere to annihilate the rights of the landlord, and secure the tenants, under all circumstances, in their farms. I know I shall disappoint them; for, my Lords, I consider that nothing could be more ridiculous, more suicidal, and I might almost say criminal, on the part of any Government, than to propose such a measure. I do not propose to interfere in any way by this measure with the discretion of landlords to grant leases to their tenants or not, or to interfere in any way as to the amount of rent which it shall be legal to exact from the tenant; but what I propose is to give to the tenant security that if he does improve, by the expenditure of his industry or capital, the feesimple of the land, he shall not afterwards be turned out penniless and without compensation. Now, my Lords, in speaking of compensation for improvements, and in placing this Bill upon your Lordships' Table, you will permit me to explain the terms that I use, and the persons to whom I apply them. In speaking of tenants, I speak of occupying tenants, whether they are tenants with leases or tenants without leases, or whether their occupations be for a short or a long period. I included amongst tenants all those occupying land and paying rent. I except one class of tenants, those persons who take land for the special purpose of cropping; in fact, those who are conacre tenants, and whose occupation cannot tend to the improvement of the land, and who merely take it for a temporary purpose; I do not mean to include those under the term 'tenants.' With regard to landlords, I mean by that, persons who hold land immediately above occupying tenants, who receive the rents from the tenants, and who are possessed of the powers of eviction, whether those powers were to be applied to tenants at will, or to those who have a more continuous occupation. Now, my Lords, Her Majesty's Government propose to limit the compensation to be secured by this Bill to three principles and to three objects. The first object is building, the next is draining, and the third is peculiar to this case—that is, it is peculiar to Ireland—namely, fencing; and I mean by that, my Lords, not the making of fences, but destroying fences. The principle of compensation for building I propose to take in this manner; and I am now going, in a few words, to tell you of the new machinery by which I propose to carry it out. I propose that the amount of the outlay shall be taken as the basis of compensation, and that that compensation shall be diminished one-thirtieth every year during the continuance of the occupancy by the tenant, so that the longer he continues the tenancy, short of thirty years, the smaller shall be the compensation he shall be entitled to receive on quitting, and at the end of thirty years he shall have lost all claim to compensation—that the longer the tenant has had the advantage of his industrial occupation, a proportional share of his claim for remuneration should be diminished. The same principle is to be applied to draining; and, when I speak of

draining, I mean deep thorough draining, not less than thirty inches deep, and conducted upon proper principles. For such draining, I propose to allow to the tenant, for his outlay on draining, compensation, subject to be reduced one-fourteenth every year, instead of one-thirtieth, as in the case of building; so that at the end of fourteen years the tenant will be expected to have received the full advantage from draining, and will have lost all claim to compensation, having continued for that period, reckoning from the date of the outlay, in occupation of the farm. And now I take the liberty of calling your Lordships' attention to the third case—that is, of levelling fences. Those of your Lordships who have seen many parts of Ireland, must be aware of the nature of the fences that I speak of. Those who have not, will, I expect, be not a little surprised to hear a description of them. The fences in Ireland consist of, what is there called a ditch—which does not mean what we call in England a ditch, but what is here called a bank, and is, in fact, a bank with a ditch on each side; and these banks are sometimes so wide at the top that a car could run along them, and they are composed generally of loose crumbling earth. The average width of them, in a great many parts of Ireland, is not less than eleven feet, so that 400 yards of such a bank gives a surface equal to a statute acre of land. These fences are used in the nature of enclosures or boundaries to fields varying in the extent of three, two, and even one acre. These not only occupy a great space of land uselessly, but they are not useful to the purpose for which they are intended to be applied. I will be bound to say that that no one ever saw those fences run in parallel lines to each other; I never saw one of them go in a straight line; I have seen them running zigzag, and in all directions, but I never yet saw one of them going in a straight line; and, to conclude with describing the merits of these fences, there is not one of them that is a fence against any Irish animal in the world—there is not an Irish horse, cow, sheep, pig, much less a goat, that cannot find some one place in these crumbling banks through which it cannot make its way; so that for the purpose for which they are raised they are absolutely useless. Being, then, of this description—unsightly in appearance—being injurious to cultivation, it is very desirable to induce the agricultural population of Ireland to do away with these fences. If you look to the proportion of land occupied by those fences, you will find that on their destruction—that on levelling them you will add a large portion to the acreable amount of the farm. I know that in England the removal of fences has been calculated to add 7 or 8 per cent. to the farms. The destruction of fences in Ireland would add 14, 15, and I might even say 20 per cent. to the extent of the farms. Recollect, too, that what is removed from these fences would form the best top dressing of the land, and that for their destruction no outlay of capital is required, nor any skill; all that would be necessary would be the superfluous labour of the tenant and his sons. During five months in the year they could not more usefully employ their labour than in the destruction of these fences. The principle on which we propose to give remuneration to the tenant who destroys these unsightly obstacles in the way of agricultural improvement, is to take the average acreable rent of the farm, and having its acreable measurement, and the acreable area added to the farm, we then propose to grant to the tenant compensation at twenty years' purchase—calculating he has so added to the value of the farm — deducting one-twentieth part of that compensation for every year the tenant continues in possession; that is, supposing the tenant pays 100*l.* a year, and that he adds ten acres to the land at 1*l.* an acre you give him compensation to the amount of 100*l*, deducting 5*l.* for every year the tenant stays after the removal; so that it is calculated that at the end of the twenty years, having the enjoyment of the farm, with its increased extent, at the same rent for which it was originally taken, will be a remuneration for his labour; and if he continue to occupy after that period his claim to remuneration will have expired. These, then, my Lords, are the three subjects in which we propose to allow the claim of compensation for improvements on the part of the occupying tenants in Ireland; they are building, draining, and fencing. Now, with respect to these claims, it is certainly necessary that we should provide restrictions, so as to ascertain that the improvemements are really improvements, and of value to the owner of the estate in feesimple, and that there be not imposed an exorbitant burden upon the proprietors, when the tenant leaves before he has exhausted the period of his claim to compensation. We propose to limit the

amount of compensation to be given, that it be 3*l.* an acre for improvements in buildings, 1*l.* for repairing fences, and 3*l.* for draining; but we propose that in no case shall the aggregate exceed 5*l.* an acre, supposing the three improvements be executed; and having so limited it, and the tenant remaining on the farm, during the whole period for which compensation was allowed, no incumbrance will then be thrown upon the land, and no debt incurred. It is only in the case where the tenant is ejected by his landlord that we propose to give compensation. If the termination of the lease should arrive before the period at which the claims to compensation is extinguished, and the landlord offers the farm to the tenant at the same rent, and to continue to the expiration of the period, from year to year, or at will, in no such case shall the landlord have to make compensation. We propose to the landlord the option either that he shall continue the tenant for the full time of the term, which is considered an adequate compensation for the improvements, or pay him such a proportion as he is entitled to from the time he has remained on the farm after the outlay. It is altogether necessary, however, that these improvements be substantial improvements. And now I have to propose to your Lordships the machinery by which there may be provided an unexpensive remedy to landlord and tenant, in all cases between landlords and tenants. I believe that the Act, relating to this subject in England, called Pusey's Act, containing provisions to enable landlords to charge their estates in certain cases with the outlay for the improvements effected upon them, has been found, from its legal forms being so tedious and expensive, to neutralize what were the intentions of the Legislature in passing it. I have seen propositions in Ireland made, for effecting the object of arbitrating between landlords and tenants in respect of improvements. One proposal has been that the Assistant Barristers' Courts should be the place of reference; but, my Lords, whether with a jury, or without a jury, I think them equally objectionable, and certainly expensive. No reference could be made to them, except at the time the Assistant Barrister was sitting; and the places to which his jurisdiction might be required might be at a distance from the place where the improvements were to be made; no opportunity would be thus afforded of seeing the improvements that were required, or that had been made. The case would then have to be argued before the Assistant Barrister; it would depend upon the production of witnesses, who might have to be brought a considerable distance, and an unwilling landlord would thus be afforded the opportunity of defeating the objects of this measure. If you apply to arbitrators, or to the judgment of a jury, I confess I should look with suspicion upon a verdict given in any matter between landlord and tenant in Ireland. If the jury were taken from the neighbourhood of the landlord, they might feel with him; or if they were taken from an inferior class, you might find their sympathies with the tenant. The only means, then, that we have been able to devise, and it is one —which, though one of my noble and learned Friends who has just left the House (Lord Brougham) at first proposed the Assistant Barrister, he was at last satisfied was the least expensive mode—the means that we have devised is this—to establish in Ireland an office and officer, with the title of "Commissioner of Improvements." The amount of duties with which that officer will be charged will depend upon your Lordships' sanction to our proposition. We propose to remunerate this officer by a salary, and to establish his office in Dublin. We propose also, according to a plan which is familiar to many noble Lords connected with Ireland, that this Commissioner shall be empowered to appoint from time to time Assistant Commissioners, who shall be previously qualified, as it was done in the case of county surveyors, and to whom, having proved their qualifications for the duties required from them, certificates shall be given. We propose that members of an unpaid Board sitting in Dublin, shall grant certificates of qualification to persons desirous of acting as Assistant Commissioners under the Bill, and that those persons shall be paid a certain remuneration from time to time, as their services shall be required from the Treasury; but we do not propose that they shall be salaried officers. Supposing, then, that a tenant desires to improve the land, he will have to write up to the Commissioners of Improvements. Upon receiving that application, the Commissioner will have to examine a register to be kept in his office of all improvements on the estates, and all the charges affecting that estate, for the purpose of seeing whether the maximum of outlay has been reached, or whether the improvements should be then carried on or postponed. Supposing the result of the search to be fa-

vourable to the tenant's application, the Commissioner will send him back three copies of his proposal in a proper form, with instructions as to the proper manner of filling them up. One of these copies will be retained by the tenant, and the other two returned to the Commissioner; and it will be the duty of the Commissioner to serve one of these copies on the landlord or his agent. A provision will be made for enforcing due notice being given by each landlord on his superior landlord, so that no one connected with the proprietorship shall be left in ignorance of what is going on. In three weeks, if the landlord dissents, or is not satisfied with the proposal, he may call for a preliminary inquiry to be conducted on the spot. In order to conduct this inquiry, one of the Assistant Commissioners will be desired to go down, and on the spot, and in the presence of the landlord and tenant, examine into the contemplated improvement. The Assistant Commissioner will then have to report to the Commissioner at Dublin, upon the proposed outlay, and all attending circumstances, and to give his decided opinion whether the proposed improvements were judicious and proper, and calculated to add to the ultimate letting value of the farm.

In answer to a noble Lord,

Lord *Stanley* said, there was no intention that any party be compelled to go to Dublin for any purpose whatever connected with this Bill. The tenant writes to the Commissioner at Dublin, the Commissioner to the landlord. The Commissioner is to receive from the tenant two copies, and one of these copies is to be sent to the landlord or his agent for his information. If the report of the Assistant Commissioner be adverse to the improvements proposed by the tenant, he will be informed that if he proceed with them it must be at his own risk, and that they will give him no claim for compensation on the land. Supposing, then, that the tenant be not evicted before the term for his compensation has run, no further step is necessary. The landlord and his agent are to be authorized to go upon the land and inspect the works carried on, and to remonstrate if they be not efficiently and fully carried out. If the tenant be evicted before the compensation has been destroyed, then we propose that the Assistant Commissioner shall come on the spot and examine the state of buildings and the improvements, and being furnished by the Commissioners at Dublin with the date when the improvements were undertaken, he shall certify whether any deduction is to be made on account of the imperfection of the works, or their being badly conducted, whether as to building, draining, or fencing; and the Commissioner having made the Report, then the tenant shall receive compensation corresponding with the terms of years unexpired at which it has been calculated. Now, my Lords, perhaps it may be said that this will bear hard upon the landlord's property who has a number of small tenants—that it will bear particularly hard upon the tenant for life—upon him who has not the estate in feesimple — that he may be called upon to pay a sum that he may not have at command. We propose to meet this difficulty by a plan which is familiar to most of your Lordships, derived from a measure passed some time ago. We propose then to enable the landlord who is tenant for life to charge the estate with the sum that he is called upon to pay; but that power shall be subject to the same condition that the tenant's claim to compensation is limited, namely, that it shall be forfeited by instalments of twenty years, that is, if he continue to enjoy the improvement of the property, and the improved rents for twenty years, then the charge shall then expire; and if not, that the estate shall be charged with the proportion for the number of years unexpired. I think, my Lords, I have now stated the Bill to you in detail, at much greater length than I desired, a much longer time than I wished; but I was anxious to put your Lordships in possession of the object of the Government, and the main principles of the future Bill, in order that I might enable your Lordships to form something like a candid and deliberate judgment respecting it. On the present occasion I am only laying this Bill upon your Lordships' Table; but I thought it of so much importance that it was necessary for me to detain you some time in explanation of its details. It is a measure I feel of so much importance, the subject on which it deals is so interwoven with the peace and welfare of Ireland, that I did not think it ought to be laid before you without such a statement as would give you a full knowledge of the motives and principles of Her Majesty's Government, and the general nature of the scheme that they have prepared. It is for you, my Lords, to judge whether we have properly discharged the duties entrusted to us, and whether the pro-

visions of the Bill will effect the objects we have had in view; whether we have steered a middle course, not invading the rights of property, and yet assuring the due remuneration of capital rights, which no one more than myself should deprecate an interference with. I commit, then, the Bill to your Lordships' judgment, with the anxious hope that in practice it may lead to the improvement and prosperity of Ireland.

The Marquess of *Clanricarde* remarked that the subject was so full of details, indeed so much in detail that the very depth of the drains was fixed by it, that it was impossible then to discuss it at all in a satisfactory manner. He was, he must say, very glad that the Government had brought forward this subject: because for many years the landlords of Ireland had been subjected to great and unmerited attacks with respect to the management of their property. As to compensation to tenants and ejectment of tenantry, they were always told that they left improvements on the land; but nothing more was stated than that, and nothing was told of the real facts of each case. He did not think that the Bill of the noble Lord would lessen the difficulties of the case. As he understood the Bill, it would relieve the landlords from all the troubles of agency, and everything was to be done between the tenants and the Commissioner. They were to settle everything that was to be done with the farm. He observed that his noble Friend had evaded saying what, in case a tenant was ejected for non-payment of rent, was to be the claim for compensation. He must remark that he never heard of a tenant being ejected without his owing large arrears of rent. He had also to observe, as to leases, that if they inquired as to the estates in England and Scotland, they would find that tenants in both countries the longest time on farms were those who had not leases. He also observed, that in one part of Ireland he knew the practice prevailed, that of 'tenant right,' the same as in Ulster, and that the incoming tenant often paid a high price to the outgoing tenant for occupying the land. He was greatly afraid that the Bill would do very little towards relieving the poor of Ireland.

The Earl of *Wicklow* was sorry that discussion had taken place at this stage of the Bill. He was bound to state that the impression produced upon his mind by the principles of the Bill, as stated by his noble Friend, was, that it was founded on justice, equity, and good sense. He must own, from all he had heard on this subject, he expected that it would have been a Bill more objectionable in principle than it proved to be. He saw, however, that there would be great difficulty in the details being carried into execution. He was glad that the limitation for claims was confined to three heads. He could not but say, that in all his experience of Ireland, he had never seen that description of fences which his noble Friend had so graphically described.

In answer to a question from the Marquess of Clanricarde,

Lord *Stanley* said, that it was not proposed that there should be any appeal from the decision of the Commissioner. It had been suggested, indeed, that an appeal should lie to the Court of Exchequer; but it was thought much better, in order to remove objection on the score of expense, to be content with the decision of a person who would be, at all events, impartial.

The Earl of *Rosse* said, there could be no dispute that the measure just explained by the noble Lord contained a very strong principle, and a principle which could not fail to be in a certain degree objectionable. The question whether or not it would be useful must depend very much on the causes which had produced the state of things which they were now asked to remedy. The inquiries conducted by the noble Lord (the Earl of Devon) were of very great value, and calculated to throw very great light on the state of Ireland. The Commission stated that the miserable destitution, and the evils generally of Ireland, had arisen from a variety of causes. He believed that there was one cause which was infinitely more powerful than those which they had assigned—namely, that for the last fifty years the rights of property could not be exerted in that way which was essential to the prosperity and well being of the country. The measure contained, he repeated, a very objectionable principle; but, at the same time, he thought there might be cases in which it would be necessary to assert that principle.

The Earl of *Devon* would not have deemed it necessary, in that stage of the measure, to have made any observations, had it not been for the nature of some of the objections made to it, together with some of the observations which had fallen from the noble Marquess (the Marquess of Clanricarde); which objections and

observations seemed to render it necessary that he should say a few words. In the first place, it was a great mistake to imagine that his noble Friend, or that Her Majesty's Government, were putting this measure forward as a panacea which was to cure all the evils in the social condition of Ireland which had been brought to light by the inquiry which had recently taken place. He understood the Government to propound this measure as a measure applying only to one particular class of the evils and difficulties which existed in Ireland, which was the case of the great variety of small holdings on which the tenant was able and willing to employ that which was his only capital in many instances—namely, the labour of himself and of his sons—but on which tenants were now restrained from employing that capital, from the apprehensions which prevailed that they might be turned out from their holdings without compensation. If they wished to ascertain whether this was a real and substantial evil, pressing upon the holders of small holdings, instead of an imaginary one, he would simply refer their Lordships to the Blue Book which had been published in connexion with this subject. Their Lordships would there find distinct evidence, that in almost every part of Ireland—indeed, in every part—the difficulty he mentioned arose: there were persons who were quite competent in every way to effect the desired improvements upon their farms, who were withheld from so doing because this apprehension prevailed. During the progress of the inquiry made by the Commissioner, this question was frequently put to witnesses from different districts of the country: "Are you aware that in many instances persons have been turned out from their holdings, after improvements, and without compensation?" The answer generally was, in purport, if not in words—"I cannot say; but if one is turned out the feeling of apprehension is so strong in the minds of others, that the whole population in the immediate vicinity is restrained from exerting themselves at all." That was, no doubt, a true picture of many parts of Ireland. He had, therefore, only to beseech their Lordships, when the Bill was printed, and when they had the opportunity of looking carefully into it, to consider that the Government were not now proposing to them a measure calculated to produce a state of things in every respect as favourable as their Lordships might think might be produced; but a measure, the object of which was, to apply a practical remedy to a great practical evil. Noble Lords were apt to refer to the situation of the estates with which they themselves were connected. His noble Friends knew perfectly well that no one suspected them of a disposition to turn out a tenant who had expended his labour and capital in improvements. [Lord *Hawarden:* Without compensation.] They would not do so without compensation; but some noble Lords did not seem to know that in many parts of Ireland there existed many instances in which this had been the case, in which tenants had been so evicted without receiving compensation; the want of improvement arose from many causes. In many places, supposing an estate to be subdivided and held by tenants, not merely tenants under middle-men, but holding originally of the landlord himself; this system of eviction frequently obtained, not always from the fault of the landlord, but in most cases from the position in which the landlord was placed. Landlords possessing large estates, held in farms of ten, or fifteen, or even eight or nine acres, could not, whatever might be their kindly disposition towards their tenants, be expected, without submitting to enormous sacrifices, to place these persons in tolerably decent houses, or to furnish them with what was a great desideratum in Irish farming, good and serviceable cattle sheds, or to incur the expense of draining the land. Most of all these might, however, be effected without much outlay of money. They could be effected by the tenants themselves. It was a matter of the greatest importance to induce tenants thus to employ their labour, not only to increase their own personal comforts, but also to lay a solid foundation for securing that good order and tranquillity which were so much endangered by the miserable condition in which the tenants in many places were now left. The present question had in effect been more than once submitted to the Legislature; and something of the kind of measure now proposed was thought to be necessary by statesmen of various political opinions and of various views with respect to Ireland. The Bill did not interfere to prevent the landlords themselves effecting any arrangements with their tenants with regard to improvements,

which might be agreed upon between them. But there was a class of cases in which the landlords either would not or could not enter into arrangements which were necessary for the benefit of the tenant; and in these cases it afforded the power of securing the tenant's interest. And as it was important for the peace and tranquillity of the country that the condition of the people should be raised, and that the productive power of the soil should be increased, it was to cases of this sort, and of this sort alone, that the Bill now introduced was intended to apply. He hoped that in considering it further noble Lords would not dwell solely upon the objectionable, or what might appear to them to be the objectionable parts of the Bill. Let them rather consider what were the real and admitted evils for which it was designed as an antidote; and before they condemned this, let them assure themselves whether any less objectionable mode could be devised for successfully counteracting them. It was a Bill clear in its principle, and simple and easy in its application; nor was he ashamed to confess that he rejoiced in it as a measure for the benefit of the tenant, who, in numberless instances, was to be found in the most miserable state, and requiring assistance and relief. He would think the task of applying the relief required but very imperfectly performed, if there were not other measures yet to come, which would speedily be submitted to Parliament.

Lord *Portman* wished to express his unqualified and sincere disappointment at the measure of the Government; a measure which, as he contemplated, would by landlords generally, be received with great fear; because he saw in its details a great quantity of matter which he was quite sure it would be dangerous for the landlords to admit. It involved, indeed, a series of difficulties very different from any that could arise in England, where the task of ascertaining and securing the right of the tenant was far easier; for certainly the cases of property being held by generations of tenants off generations of landlords, differed entirely from the description of property with which his noble Friend now proposed to deal. He was disappointed that his noble Friend should have introduced a Bill containing what he considered such objectionable provisions; because he had thought that his noble Friend, when he entered the House, would have been his best ally in assisting him to carry the measure which he contemplated, for giving compensation to tenants in England—a measure which he hoped in the course of a few days to be able to lay before their Lordships. Now, his noble Friend threw him completely over by attempting to show, as he had done that night, that it was, for many reasons, impossible to extend such a Bill to England. He earnestly hoped the Government would give to England no such measure as they now proposed for Ireland. In reference to England he might here say, in passing, that there was no such security to tenants as his noble Friend supposed there was, from the difficulty of finding a successor to a tenant evicted. He was satisfied that the only mode of properly dealing with the question of compensation in England, was by laying down a well-established and well-regulated 'tenant right;' and he would think it his duty to lay upon their Lordships' Table, in a few days, a Bill for the purpose of defining, as far as they could do, the tenant's right, and to give the landlord his remedy—the landlord and tenant both having the same remedy—namely, the power to go before arbitrators, instead of having to incur the expense and delay of going to courts of law. He objected to the system of paying the Commissioners by fees.

Lord *Stanley:* The Commissioner in Dublin is to be paid by salary—the Assistant Commissioners to be paid out of the Treasury, according to the time during which they are employed.

Lord *Portman* would, in a few days, trespass upon their Lordships' attention, by bringing forward a very different measure for England. He thought that he should vote in opposition to the Bill, with those Irish landlords who appeared, on first blush, to be opposed to it.

The Marquess of *Westmeath* thought that the case as regarded the landlord and tenant question in Ireland, would be found to be very different in Ireland from what it appeared on the face of the Report of the Commissioners, when a balance was struck between the real facts and the exaggerated evidence given before the Commissioners. It was the interest of landlords to give leases, because in that case they had a direct and immediate remedy against tenants by ejectment;

whereas, in the case of tenants at will, they were usually subjected to fifteen months loss of rent. Debate on the Bill in its present stage might be rather premature; but he had thought it his duty to state generally what he knew to be the case.

Bill read 1ª.

BASTARD CHILDREN BILL.] The Earl of *Radnor* moved the Second Reading of this Bill, and said, that so gross and indecent were the results of the law as it at present stood, that he had met no magistrate who did not wish it to be altered, although all might not approve of the particular alterations which he proposed. He should not go into all the different laws on this subject that had been enacted from the time of Elizabeth down to the passing of the Poor Law Amendment Act; but experience had shown that those laws led to great abuses, and gave rise both to crimes and extortion. In pursuance of the recommendation of the Commission of Inquiry into the old Poor Law, in the original Poor Law Amendment Act, no clauses were introduced with respect to the affiliation and maintenance of illegitimate children; but clauses were introduced in the Committee, which, however, left the principle of the law as it was before. Illegitimate children were to be maintained partly by the father and partly by the mother, in order to indemnify the parish; but the machinery was altered, and such cases were to go at once to the quarter sessions, and not to be brought before the petty sessions at all. He thought the law would have been better without these clauses; but they did not do much harm, owing to the infrequency with which they were acted upon, in consequence of the expense they occasioned. By the Act of 1839, the affiliation of these illegitimate children was taken away from the quarter sessions, and restored to the petty sessions; but with some regulation as to corroborative evidence. That Bill left the principle of indemnification of the parish as it had been since the law of Elizabeth, which had remained untouched by the Bill of 1834; but, by the Bill of last year an entire revolution was made in the principle of the law, and it was no longer the parish which was to be indemnified, but the mother of an illegitimate child. That principle was vindicated by some, on the plea of the hardship of visiting the whole punishment for an immorality upon one of the offenders; but it should be recollected that that was the state in which nature left it. By the dispensation of Providence, all the pain and hardship of childbearing were sustained by the woman; but the Legislature, thinking itself wiser than Providence, held out a remuneration to her for the commission of crime, and placed the mother of an illegitimate child in a better position than a widow with a legitimate child. Protection was said to be the bane of agriculture; but he was sure such protection as this was the bane of female virtue, and was a snare and a trap, because it removed one of the strongest checks against the indulgences of vicious passions, and at the same time furnished man an additional argument wherewith to overcome the scruples of the female, by representing to her that she would be exempt from the expense of the maintenance of her child. If it had been intended merely to preserve from too severe punishment inexperienced girls who allowed themselves to be entrapped by the arts of a seducer, then the money to be paid by the father should be limited to the first child; but as the law stood, it was the most barefaced and the most impudent women who got the advantage of the Act. There was another reason why the law should be altered. The principle of English law was, that no person should be called upon to give evidence in his own case. And so it was up to the law of last year, because till that time the mother was not benefited by the affiliation of the child, but the parish. Now, however, she had a direct interest in the matter; and the provisions of the Act in that respect held out inducements to perjury, and opportunities for extortion. Any one of their Lordships might be sworn to as the father of an illegitimate child; and although there might be no foundation for the imputation, yet it might have very unpleasant and unjust consequences upon a man of timid nerves. The noble Earl enumerated instances in which the law had been made an instrument of gross injustice and oppression, and expressed a hope that noble Lords opposite would feel the necessity of its alteration.

Lord *Wharncliffe* said, he must oppose the second reading. It was too soon yet to judge of the operation of the Act of last year; and he thought that, considering the very short time that had elapsed since

that Act came into operation, the House would not act advisedly in proceeding so soon to effect an alteration in that law. Undoubtedly, until that Act, the object of the law was to indemnify the parish against the maintenance of an illegitimate child; but practically it was a payment to the woman, and women were known in some instances to derive very handsome incomes from the length to which they carried the practice of affiliation. Such abuses arose out of the old law that it was necessary to make some alteration; and, instead of an order being made as a matter of course, upon an oath before two justices, the Poor Law Amendment Act required corroborative evidence, and also provided that the woman should be liable to be examined in open court, thus applying as strong checks as could easily be devised against the child being falsely affiliated. There always existed a strong feeling of opposition to the system under which all the burden was thrown upon the woman, for that was looked upon as an unjust and unwise arrangement; but, unfortunately, it was often extremely difficult, first, to bring a matter of that kind home to the father; and, secondly, when it was brought home to him, it was often very difficult to recover the money. An order might be made against his goods; but in ninety-nine times out of a hundred he had no goods that could be seized; next, it might be made against his wages; but, generally speaking, masters, especially in the manufacturing districts, were very unwilling to have wages stopped. Actions for seduction might be brought, and often were brought, in the middle classes of life; but where the parties were very poor, as frequently happened to be the case with parties proceeding under the bastardy laws, no actions could be brought; and the Bill of last year was intended to give a remedy to those who were most likely to be exposed to the evil, and who had not the means of sustaining their case in a Court of Law. The noble Earl stated that that Bill introduced a new principle; but he (Lord Wharncliffe) could not agree in that statement of the noble Earl; for so far from this being a new principle, it was one which had for centuries been in operation in another shape from the highest to the lowest class. When a man in any class of life seduced a woman, he was subject under the law of this country to an action on the part of the woman's parents for the loss of her services; and the Bill of last year only put the lowest class of people in the same position to obtain redress which others occupied. He could see no injustice in the law, and he would repeat that it certainly did not introduce a new principle. The noble Earl mentioned a case in which a woman of abandoned character was the mother of six illegitimate children, and asked if it were fair to oblige the magistrates to decide against a particular father on her testimony. It might not be just to oblige them to decide; and, therefore, the law left the order altogether at the option of the magistrates, who could require corroborative testimony in favour of the woman's evidence before they decided against the putative father. The noble Earl also objected to the reception of a woman's evidence under circumstances which gave her so strong an interest in the case—in fact, admitted her as evidence in her own case; but he ought to recollect that the same course was adopted in actions at law with respect to the woman's evidence. The Act which was now in force had been in operation for a very short time, and he thought it would be unwise and unjust to repeal it after so short a trial of its effects. He would, therefore, move as an Amendment, that the Bill of the noble Lord be read a second time that day six months.

The Earl of *Carnarvon* concurred in the opinion of his noble Friend who had just sat down, that there had not been a sufficient trial of the Act of last year, and it would be premature to repeal it without further experience. Such rapid changes in legislation were not at all to be recommended, and would not be calculated to advance the credit of the Legislature with the country. He agreed perfectly with the statement that there had existed for a long time a strong objection to the principle of throwing all the burden of supporting the offspring on the woman—the weaker vessel, and sparing the stronger, and often the more guilty party; whilst the former system, in addition to that evil, had also the serious moral evil attached to it of tending to create in the minds of the men who formed those connexions the idea that the Legislature connived at their faults. It appeared to be opposed to the designs of Providence to discharge the putative father from the responsibility of contributing his share to

the support of his illegitimate child; and the change which threw the burden on the woman solely, and which had been again altered, was in consequence of the extreme unpopularity of that measure. It should be always an element of consideration with their Lordships, whether a law which would require to be very often put in operation was likely to be popular, or to excite a strong feeling of opposition—and the latter was undoubtedly the case with respect to throwing all the burden of supporting the child on the woman alone. The noble Earl alluded in forcible terms to the evils of increasing the temptation to false swearing; but the objection was incidental to all testimony of a similar nature, and it would not be wise to establish a system of error and injustice solely to avoid that possibility of false swearing on the part of the woman. He repeated that he thought the alteration proposed by the noble Earl in the law of last year was premature, as they had not as yet had sufficient experience of the operation of that Act.

The Earl of *Radnor* thought that the Bill which he had introduced would do a great deal of good if passed into a law. The existing Act held out a premium to women to perjure themselves for their own pecuniary advantage; and his experience at the Sessions convinced him that it ought to be altered, not only in that, but in those other respects to which he had alluded, when moving the second reading of his Bill, which he had no doubt would be lost, as it was opposed by the Government.

On Question that the word "now" stand part of the Motion; *Resolved* in the *Negative;* and Bill to be read 2ª this day *six months.*

House adjourned.

HOUSE OF COMMONS,

Monday, June 9, 1845.

MINUTES.] NEW MEMBER SWORN. Lord Edwin Hill, for the County of Down.

BILLS. *Public.*—1°. Lunatic Asylums and Pauper Lunatics.

Private.—1°. Eastern Counties Railway (Cambridge and Bury St. Edmund's Extension).

Reported.—Oxford, Worcester, and Wolverhampton Railway; Oxford and Rugby Railway; Stalybridge Waterworks; Great Southern and Western Railway (Ireland); Cornwall Railway; Dublin and Belfast Junction Railway, with a Branch to Kells; Ulster Railway Extension (re-committed); Glasgow, Paisley, Kilmarnock, and Ayr Railway; North Wales Railway; Keyingham Drainage; London, Worcester, and South Staffordshire Railway (Dudley to Wolverhampton); Scottish Midland Junction Railway; Waterford and Limerick Railway.

3°. and passed:—Kidwelly Inclosure; Trent Valley Railway; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church; West of London and Westminster Cemetery; Belfast and Ballymena Railway; Brighton, Lewes, and Hastings Railway (Keymer Branch).

PETITIONS PRESENTED. By Lord Ashley, and Mr. F. Maule, from several places, for Better Observance of the Lord's Day.—By Mr. Sotheron, from Rector and Parishioners of Ham, Wilts, and Mr. Wakley, from Gower Street Chapel, against the Grant to Maynooth College.—By Sir R. H. Inglis, from Isle of Wight, against Union of St. Asaph and Bangor.—By Mr. Lockhart, from several places, against Universities (Scotland) Bills—By Mr. Sotheron, and Mr. M. Gore, from an immense number of places, for Relief from Agricultural Taxation.—By Sir W. Codrington, from several places, for Defraying County and Police Rate out of Consolidated Fund.—By Lord Ashley and Mr. M'Geachy, from several places, in favour of Ten Hours System in Factories.—By Mr. Bright, from Bolney, for Alteration of Law relating to Highways.—By Mr. Acland, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Hastie, from Paisley, in favour of Physic and Surgery Bill.—By Lord Ashley, and Mr. Wakley, from Medical Officers of London, and Shadwell, for Amendment of Poor Law.—By Mr. Mitchell, from Bridport, for Diminishing the Number of Public Houses.—By Mr. Wakley, from several places, for Inquiry (Royal College of Surgeons).—By the Earl of March, from a great number of places, for Alteration of Law relating to the Sale of Intoxicating Liquors (Scotland).

SLAVE TRADE.] Viscount *Palmerston* said, that the right hon. Gentleman had stated that the evidence taken before the Mixed Commission was partly that of French officers, and disclosed the means used by the slavers to escape our cruisers, and that public inconvenience would result from laying it upon the Table of the House; but surely the slave traders were too well acquainted with their own practices to receive any information from these Papers. This evidence was the foundation upon which the two Governments had agreed to abandon the Right of Search; and he put it to the right hon. Baronet whether it were not essential, to enable the House to judge whether the Right of Search had been properly abandoned or not, that they should be in possession of the evidence of officers relating to the use made of the Right of Search, and whether it was or was not necessary for the suppression of the Slave Trade? If the right hon. Baronet would not lay the whole of the evidence on the Table, would he object to producing a part? If there were any delicacy regarding the testimony of the French officers, perhaps he would furnish that of the English officers. He would also take this opportunity of asking the right hon. Baronet if there was any objection to lay on the Table the continuation of the correspondence produced in 1843, relating to the exertions of the British Go-

vernment to put an end to the disturbances between the two great parties in Syria, the Druses and the Maronites, and also the papers relating to the claims of the Emir Beschir?

Sir *R. Peel* had no objection to lay on the Table a continuation of the Papers relative to the state of Syria; but as a considerable time had elapsed since the last correspondence was produced, some little delay would take place in the publication of some portions of that correspondence. He, however, could lay on the Table at an early period, that portion of it, which related to the Emir Beschir, and the noble Lord would probably have an opportunity of seeing it in the course of a few days. With respect to the other question put by the noble Lord, he thought considerable inconvenience might result to the public from the publication of the evidence referred to; and, therefore, he could not consent to its production.

BANKING (SCOTLAND) BILL.] On the Motion of Sir R. Peel, the House went into Committee on the Scotch Banking Bill.

On Clause 8 being proposed,

Mr. *F. Maule* proposed an Amendment to the effect, that the bankers be allowed to amend their Returns of circulation.

The *Chancellor of the Exchequer* opposed the Motion, on the ground that it was identical in substance with one negatived on Friday.

Mr. *Hume* supported the Amendment, and protested against any interference with the Scotch currency.

Sir *R. Peel* was much disappointed at the manner in which the measure had been received. He certainly had thought that the right hon. Gentleman opposite would have seen, in his (Sir R. Peel's) exposition of this measure, a desire not to alter, but to preserve within safe limits, the system of Scotch banking.

Amendment withdrawn, and clause agreed to.

On Clause 10,

Mr. *Hume* understood, that the right hon. Baronet had determined not to make any alteration in the currency of Scotland; and he could not, therefore, allow this clause to pass without opposition. All he wanted was an explanation of the measure. If it was good it should meet with his support. The right hon. Baronet had stated that he wanted, in case of an overflow of paper money, to guard against the Scottish banks drawing on the Bank of England. He did not believe that the Scottish banks ever drained the Bank of England, and should be glad to be enlightened, if the fact were otherwise.

Sir *R. Peel* said, that when trade was good and speculation rife, there was generally a tendency to issue an increased quantity of paper where facilities existed. For a certain limited time the value of the paper would be kept up; but when a period of depression came, it would be incumbent to convert notes into gold; that could only be done by a sale of securities and obtaining gold, of which the only receptacle was the Bank of England. These remarks applied to the banks of Scotland, and were also equally applicable to the provincial banks of England. The value of the whole currency would be diminished; and it would soon be discovered that paper was issued to excess, and with such a simultaneous demand for gold from Scotland and England upon the Bank of England, great inconvenience would result, and commercial transactions generally would be greatly restricted and impeded. It was, therefore, sound policy to place some restrictions on the issue of notes.

Mr. *Williams* thought, that in justice to the measure that had been passed last year, the Government were bound not to afford any greater facilities for the issue of paper money in Scotland or in Ireland. He remembered when the Bill of 1814 was re-enacted in 1826, after it had been partly repealed in 1822; so far as regarded the circulation of one pound notes—he remembered the threat of the Scotch bankers on that occasion. They said, that they had an immense amount of property in the funds, and they would dispose of that property and get the amount in gold, and put the Bank of England in difficulty. That threat prevented the Government from suppressing the issue of one pound notes in Scotland. It was said that there were no failures in the Scotch banks. He remembered several failures. A short time ago, in consequence of the failure of a bank near Paisley, there existed the most intolerable distress, when the Paisley manufacturers were obliged to apply for charity.

Mr. *Hawes* denied that the Scotch circulation was sustained during the time of the greatest drains by drawing on the Bank of England.

Clause agreed to.

Clause 13—which enacted, that if the monthly average of bank notes of any

banker should at any time exceed the amount which such banker was authorized to issue, such banker should, in every case, forfeit a sum equal to the amount by which the average monthly circulation should have exceeded the amount which such banker was authorized to issue—was then put.

Mr. *P. M. Stewart* considered this clause to impose a tremendous penalty. He wished to modify it. Supposing one, two, or three banks in Scotland issued short of the amount which they were by law permitted to issue, he would permit other banks to issue in excess to the same amount that those banks issued short. This would be the means of keeping up the full amount of circulation within Scotland, which, according to the Returns, would not be less than 3,061,000*l.* The Amendment he wished to propose would, therefore, by no means militate against the principle of the Bill. It had been objected that the difficulty of ascertaining the amount of issues by each banker would render his proposition impracticable. He did not think so. Nothing could be more easily carried into practice, if the House would adopt the principle. Supposing any bank or banks should discontinue business, and the remaining banks were not allowed to increase their issues, the object of the Bill, in wishing to maintain a circulation of 3,061,000*l.*, would not then be carried out. He would therefore propose, that the following Proviso be added at the end of Clause 13:—

"Provided always, that such banker shall not be liable in such penalty, unless the aggregate amount of such monthly circulation of all the bankers in Scotland shall exceed the aggregate amount of the average circulation of all the banks in Scotland to be taken in manner herein provided."

Sir *R. Peel:* The hon. Gentleman talked of a tremendous penalty; but the penalty would be consequent on the amount of excess of issue; therefore, if the excess of issue should be small, the penalty would be small; and if great, the penalty great. What was done in the case of the English banks? Joint-stock banks in England were prevented from combining; but it was permitted in Scotland for any two or more banks to combine; and the aggregate amount of the issues of those banks so combined, was to be certified by the Commissioners. In case, however, there should be any excess in the circulation of any one bank, it was to be liable to a penalty, the amount of the penalty to be in proportion to that excess. According to the Amendment proposed, every bank would be at liberty to extend its issues in proportion to the deficiency of the issues of other banks; but how were the bankers individually to know whether there would be an excess or a deficiency upon the permitted sum to be issued? Each banker would be trying to take advantage of any supposed deficiency of issue by other banks, in order to push out their own notes. How could they foresee whether the amount issued in the next month would be below or above the amount of their own return? Each banker would have to speculate upon this. Unless, therefore, with some such provision as that which this clause embodied, how could the system of banking in Scotland be established upon any principle? The hon. Gentleman (Mr. P. M. Stewart) had put a case that he supposed might arise—namely, that the issue of bank notes in Scotland would fall below 3,061,000l.; but, by permitting the union of banks in Scotland, effectual precaution would be taken against there being any such diminution. He did not think the case at all likely to arise; and, therefore, he was decidedly opposed to the Amendment of the hon. Gentleman.

Mr. *E. Turner* thought that the banking measure in England had had the effect of making the work less profitable, but more comfortable, to bankers; and if there should be a consequent and ultimate falling off in the amount of issues, the question must be reconsidered, not only with respect to Scotland, but also with reference to England and Ireland.

Mr. *P. M. Stewart* replied, that he considered the plan proposed was perfectly practicable. He would put the case of thirty customers coming to a young bank from the old bank. The old bank would decline to make issues to the same extent as formerly, because they would be unnecessary; but the other bank to which the customers went would require an increased circulation. This might be allowed; and yet the whole circulation of Scotland would be kept within the present limits. The only reason against his proposal was, that the amount of issue would be a matter of speculation; but he had received evidence that it might be securely allowed; the banks of Edinburgh and Glasgow would understand every week, whether one bank wanted more or less, and the individual

returns would be regulated accordingly. The hon. Member for Truro said that the English law had rendered banking less profitable, but more comfortable; as the notion came from the Land's End, it was evidently far-fetched. He would like to see the English measure tried in fair and in foul weather, before he gave an opinion upon it; but in Scotland, the proposed measure would prove detrimental, not only to the bankers, but to the landed and industrial people of Scotland; and the landlords and farmers of that country would not live long before they found where the pinch was.

Amendment negatived. Clause to stand part of the Bill.

Remaining clauses and schedules of the Bill agreed to.

House resumed. Bill to be reported.

BANKING (IRELAND) BILL.] On the Motion, that the House go into Committee on the Banking (Ireland) Bill,

Mr. *Ross* was sorry to occupy the House, but he wished that farther time were allowed for consideration of this measure. All classes and all parties in the north of Ireland were satisfied that the enactment of the Bill, in its present form, would be exceedingly detrimental to the prosperity of that country. As it was now framed, the Bill was more detrimental than as it was originally proposed. There had been no opposition, at least no clamorous opposition, raised against it; because they took for granted that no material alteration would be made in the Bill. He complained of the mode in which the averages were to be struck. They were confined to the circulation of 1844; but it appeared that the circulation in the month of April, 1845, had considerably increased above April, 1844; so that the effect of this measure would be to check the rapidly increasing circulation of Ireland. Then the right hon. Baronet had assigned as a reason for adopting a different method of taking the English averages, as compared with the Irish and Scotch averages, that the latter parties had been warned of his intention to regulate their issues; while the announcement of the measure affecting the English banks came upon the English bankers like a clap of thunder. Now, what did that statement imply but a charge against the Irish and Scotch bankers, that they had combined together to force up the circulation; and he denied that they had done so, or that, from the continual exchange of notes among the various bankers, it was in their power to force up the circulation. There was another point which had given great offence and caused much alarm in Ireland. It was supposed to be necessary for them, by the provisions of this Bill, not only to hold in their coffers a sovereign for every 1*l.* note they issued beyond the amount allowed by their average circulation, but they were required to hold, in fact, 3*l.* for every such 1*l.* note. This was caused in consequence of the number of branch banks at each of which their notes were made payable, and not, as in Scotland, at the head office only. The consequence of this was, that a supply of gold must be left at each branch as well as at the head office; and the Irish bankers wished that the gold so left in their different branches should be counted by the Government, as being part of their stock of bullion. But the Government objected to that request, that they could not send persons round to the different branches to take the amount of gold in their possession. This might be inconvenient for the Government; but it would be much more inconvenient for the banks, if the other system were carried out, and productive of serious injury to the country. To show the prosperity of Ireland at the present time, he might mention that 60,000 spindles for spinning flax had been erected in Belfast alone, within the last year, at an expense of 240,000*l.* This was an indication of the spirit of commercial enterprise in the north of Ireland; and if this Bill were delayed for a few years longer, he was confident, judging from past years, that the average circulation of the country would be much increased. Then there was an omission in the Bill, which he thought ought to be supplied. The notes of the Bank of England were not a legal tender in Ireland; and it would be desirable, on many accounts, that the notes of the Bank of Ireland should be made a legal tender. This would not be of any advantage to the Bank of Ireland; but it would be convenient to the other Irish banks to have a supply of these notes at a time when their stock of gold was withdrawn. He would not detain the House longer, as there were other hon. Members from Ireland anxious to speak on this question; he wished there were more of them. He wished the Gentlemen who attended in another place would come over to this House, and attend to Irish interests; but if they chose to sit

in Conciliation Hall, hatching the fate of empires, they could not expect that the House would bestow much attention on their interests.

Colonel *Conolly* said, that at the present moment, no one could deny that the circulation proposed in the Bill would be sufficient for the wants of Ireland; but though he might be charged with being a prosperity monger, and indulging in Utopian visions as to the prospects of Ireland, yet he must state, that the events of last year justified the assertion that a limited circulation would be injurious to the prosperity of Ireland. It was shown by the Returns before the House, that the circulation of Ireland had increased one million within the last year: and it was further shown that this had arisen from no particular stimulus to industry, but that it had arisen from a general improvement in the industry and cultivation of the country. He found that the imports of Belfast and Derry had extended in a way that was not to be described; and this improvement was general with all the ports along the coast; and this prosperity, he trusted, would be permanent, and would call forth a still more extended circulation. He, therefore, trusted he could elicit from the Minister of the day some sort of a declaration, that along with the expanding energies of Ireland, provision should be made for an increased circulation. The imports of Dublin had increased nearly one-half during the past year, and this was legitimately derived from the general improvement of the country. He might also add that an increase had taken place in the wages of labour. He had left Kildare last month; and he found, that in consequence of the proposed railway there, the wages of the labouring classes had been raised twopence in the shilling. These, he considered, were all reasons why the circulation of Ireland should not be restricted, lest the growing prosperity of that country should be checked. He complained, that by the proposed Bill, the banks were only to obtain credit for the amount of bullion which they held at the head establishment. Then, with regard to the advantage of banks to agriculture, he might mention that for six months there was hardly a dealing with the banks by the Irish farmers, and for other six months the pressure upon the banks by them was very severe. To show the injury which would accrue to agriculture if they did not get the accommodation from the banks which they now obtained, he might mention that formerly the poor tenants were constrained, by sheer necessity, to sell their wheat before Christmas at 15*s.* per barrel; but now, in consequence of the accommodation they obtained from the bankers, they never sold at below 25*s.* He would, therefore, urge upon the Minister the necessity of continuing the accommodation of the present banking system to the poorer class of tenants, and of allowing the circulation of the country to expand with the increasing prosperity of Ireland.

Sir *R. Peel:* Sir, I wish I could impress upon the Representatives of Ireland some portion of the strong conviction I feel in my own mind that I am proposing a measure most intimately connected with the growing prosperity of Ireland. There is no country on the face of the earth which will derive a greater advantage from a sound system of banking and a stable system of government. There is no country on the face of the earth which has suffered more evils from a bad and imperfect system of banking than Ireland. I have had personal experience of this at the time of my official connexion with that country; and I say there were then cases of extreme distress in the south and west of Ireland, arising from the simultaneous failure of almost all the banks in that portion of Ireland—cases of the most heart-rending distress to individuals, as well as of injury to the general interests of the country. I will refer the House to an extract with regard to the failure of banks from the Report of the Committee of Irish exchanges, which sat in 1804. At that period there were fifty registered banks, but they all failed; and their failure, I know personally, led to the most fearful distress. I never saw such wide-spread distress as was caused by the failure of those banks in Ireland. There were then only private banks, but recently joint-stock banks have been erected. Well, but what is the first advantage which I propose to give to the bankers of Ireland by this Bill? We propose to apply to Ireland that principle of the convertibility of paper into gold, without which no banking system can be securely carried on; and we make this quite certain, if the bankers of Ireland conduct their affairs with ordinary prudence they will incur no risk whatever. What occurred in 1837? There was then a bank existing called the "Agricultural Bank" in Ireland. It was a joint-stock

bank. It issued its notes and kept promising to pay in gold. A pressure came, and every branch of that bank failed. But was the pressure confined to the "Agricultural Bank" itself? An hon. Member opposite has referred to the necessity of Irish banks keeping gold. But how did the necessity of keeping gold arise? From the rash speculation of imprudent bankers, whose failure necessarily created a pressure upon every bank in the country. The Provincial Bank of Ireland, which is conducted upon very excellent principles, suffered materially from the failure of the Agricultural Bank. See how the Agricultural Bank told upon the Provincial Bank. The agent of the Provincial Bank, in his examination before the Committee, was asked whether or no, in consequence of the pressure on the Agricultural Bank, it became necessary, on the part of other banks, to increase their supplies of gold? He said—

"Undoubtedly. The Provincial Bank was previously ready for a run, for it was feared that the general circulation of the country would be discredited. The Provincial Bank had a great quantity of gold; it was always very considerable. The amount of gold in the Irish Banks at the time payment of their notes was demanded exceeded their issues."

Talk of relief from the necessity of having great quantities of gold! Why, the necessity arises from the want of stability in the banking system. The agent was asked—

"Do you speak of your own knowledge?—Yes. Can you inform us if the greater part of the gold came from England?—All from England. Did it come from London and other places?—Principally from London, but also from Liverpool, and I believe from Bristol, but I am not sure. That is to say, the gold in the Bank of England and in the branch banks is made to supply the Banks of Ireland."

In answer to other questions, the agent stated, that—

"Contemporaneously with this large demand, gold was demanded at all the banks, including the Bank of Ireland, and that the increased supply of gold was very considerable, indeed, not falling short, he believed, of 2,000,000*l*."

Two millions of gold to be suddenly called for! That was the state of things in Ireland at that time in consequence of the improvidence of the banks of Ireland. All this amount of gold was stated by the agent to be necessary simply for the protection of the credit of the banks of Ireland. Well, I am going to relieve the banks of Ireland from the constant necessity of guarding against these pressures, and from the never ending alarm and anxiey which must attend the business of a banker, when conducted upon such principles. The hon. Member opposite (Mr. Turner), has told you this evening that "though it is true that the Bill of last year has caused the English bankers some loss, yet the increased security which it affords against pressure and speculation has tenfold compensated them for the loss." This is the evidence of a country banker, a Member of this House, and so do not undervalue the advantages of this Bill, because you think it will introduce some restrictions on the circulation. We now have the Bills for Scotland and Ireland before us; and it has been asked, "Why have you not dealt the same with Scotland and Ireland as last year you did with England?" But how stands the case? Last year there was no notice at all to the English bankers. The twelve months previous to my statement in this House were determined upon as the average of the amount of issue. We might have adopted the same course with regard to Ireland and Scotland. It would have been perfectly just; but we did no such thing. I did not deal with Ireland and Scotland in that way; but taking the average of a year instead of twelve weeks, what has been the result? Ireland gets a false estimate. By taking the average of thirteen lunar months instead of twelve weeks, we give to Ireland the amount of about 1,000,000*l*. increased issue. This is one advantage we give to Ireland; but you are allowed to retain your issue of notes under 5*l*. The English bankers have no such privilege; and this relieves the Irish bankers from the necessity of employing specie for small sums. But I have also abolished the exclusive privilege of the Bank of Ireland. This is an advantage we have not given to Scotland; but in Ireland we give to all other bankers the privilege of competing with the Bank of Ireland, within those limits heretofore excepted. You well know the inconvenience of the Irish bankers in not having branches in Dublin or its neighbourhood. That is the seat of Government—the seat of a large portion of the commerce of the country—and the exclusive privilege of the Bank of Ireland, within the metropolis and its vicinity, we have altogether abolished. Each banker may now have an

agency in Dublin—may draw Bills upon Dublin—and have, in fact, all the privileges formerly enjoyed by the Bank of Ireland. These are the advantages we give to Ireland; but there is another which I have not mentioned. In Scotland it has never been the custom to keep much gold. The bankers have kept securities in their possession, and have always trusted to the sale of those securities. So, practically, there has been little or no gold in Scotland. That has not been the case with Ireland. Each bank has kept a very fair quantity of gold. The Bank of Ireland keeps an amount of not less than 1,000,000*l.*, upon an average; and the Provincial Bank somewhere about the sum of 400,000*l.* or half a million. The National Bank, too, and the Belfast banks, have always kept a supply far exceeding the usual amount kept by the banks of Scotland. Now, I don't require them for the future, if their circulation does not exceed the given amount, to keep any stock of gold. Permission is given there to issue in excess of their present amount at the head office. That is a great privilege in Ireland, which Scotland does not possess, in consequence of her keeping gold. The amount at the head office is now about 800,000*l.* The extended commerce of Ireland requires an extended issue; and we ask you to apply some part of your banking assets to ensure a continued security. So far from thinking that this measure will cause any embarrassment in Ireland, I think it will most materially promote the permanent prosperity of that country. I believe that the changes we have made in the system of banking will be beneficial to all parts of the kingdom; but I think, that in all other places, it will fall short of what it will prove to be in Ireland. The hon. Gentleman opposite says that "I resist everything — that I will not yield a single point." Now, to show that I have no such feeling, there is a concession that I am prepared to make in favour of Ireland. By the Bill, as it at present stands, different periods are taken in order to obtain an average of the circulation in Ireland and in Scotland. Now, I am willing, in order to remove any possible feeling or objection upon this point, to take the same periods for both countries. This, I am quite aware, will increase the amount of permitted circulation; but I do hope that the Representatives of Ireland will view this measure as a whole, instead of criticising its minute details—that it will meet with their general concurrence, and that they will partake of my conviction, that it will be for the advantage of Ireland—that it will afford the means of additional prosperity to the commerce and agriculture of that country—and that, at the same time, both the bankers and their customers will be relieved from the anxiety and the suspense which, for so many years, have hung over the banking transactions of Ireland.

Mr. *E. B. Roche* said, that the right hon. Baronet, in trying to make out a case for this Bill, had alluded to those times of banking depression which had caused so much distress in Ireland; but it was scarcely necessary to remark that things had materially altered since that period. The right hon. Baronet had then alluded to the failure of many banks which had occurred subsequently. Undoubtedly that was so; but many of those banks had recovered themselves. His objection to the Bill was, that the right hon. Baronet had failed to make out a case for interference with the banks of Ireland. The right hon. Baronet had admitted that those banks were respectable; they had not issued an excessive amount of paper; nor had they carried on their banking transactions with imprudence. Then why interfere with them at all? The effect of the Bill would be to restrict the circulation of the country. Now, the commerce of Ireland was increasing by an extended system of railways; and was this the time to restrict the circulating medium? The Bill would do great injustice to the two Banks —the Royal Bank of Dublin, and the Hibernian Bank. They had always maintained a trustworthy position; and yet they could not become banks of issue. He was not, however, prepared to offer any objections to the Bill going into Committee. As the Bill passed, he should offer his opposition to several of its clauses; but he had been unwilling to let the Bill go into Committee, without stating that no case had been made out for any interference with the banking system of Ireland.

Mr. *Redington* said, that the speech of the right hon. Gentleman seemed to evince a disposition to play off Ireland against Scotland, and to satisfy the members for the one country by assuring them that they were treated quite as well, if not better, than the other. Why had not the right hon. Gentleman adopted the same system with regard to Ireland as had

last year been adopted in taking the averages with regard to England? The right hon. Gentleman said, that he would make a concession, by fixing the same time for Ireland and Scotland; but the fact was, that in his original statement, the right hon. Baronet said that the time was to be the same for both; and so the boon of which the right hon. Gentleman boasted was nothing but a correction of a clerical error in the Bill. He had many objections to this measure; and he did not see why they should further limit the now restricted circulation of the country.

Sir *R. Ferguson* said that since the beginning of December last the wants of Ireland had called for an issue of notes to the amount of 700,000*l.*; but the measure before the House proposed to limit the circulation to 6,300,000*l.* As to the proposition respecting fractional notes, the impossibility of procuring a sufficiency of silver at fairs should be considered. These fractional notes had been found to be a great convenience, and the abolition of them would be attended with great injury and hardship. On the whole, he did not consider that this Bill would prove to be that great bonus to Ireland which the right hon. Baronet appeared to think.

Mr. *Sharman Crawford* conceived that the ultimate object which the Government had in view was to assimilate the condition of Ireland to England, with regard to the bank-note system. He should certainly wish to see an assimilation effected between the two countries in respect to all measures that were good; but he was one of those who thought the restriction to the gold circulation in England was not a benefit to England. It was no wonder, then, that he was not willing to assent to the same principle as regarded Ireland. They should recollect that England had arisen to the highest pitch of prosperity in her commerce, and that Ireland had been in the greatest poverty, and was only progressing now in a very small degree towards prosperity. What then was fit for England was unfit for Ireland. He fully assented to all that had been said in regard to the admirable conduct of the banking companies of Belfast; any measure that would limit the circulation of notes in Ireland would have a most injurious effect upon the trade of the north of Ireland. He thought that there ought to be a free trade in banking as well as in other matters, only taking the precaution of putting those establishments under a wholesome control so as to ensure the safety of the public.

Mr. *Wyse* admitted that much which had fallen from the right hon. Baronet was founded upon sound views of the interests not only of Ireland, but of the kingdom generally. At the same time he thought in the measure before the House that there were provisions which carried out too far the principle which was sought to be established by the right hon. Baronet. In his anxiety to restrict over-issue the right hon. Baronet had not provided the power of expansion which was required in Ireland, whose interests were in course of development, and a new enactment might very soon be found necessary to meet the growing exigencies which would necessarily follow the development of her labour and capital. The right hon. Baronet had not provided for increasing the number of banks as well as the increase of issues in each bank. No one would contend, but that Ireland might not rise to the same condition as Scotland. He thought that the present measure would have the effect of giving a monopoly to the existing banks in Ireland without any reference whatever to new ones that might be established.

Sir *William Somerville* said, he had a case of great and unmerited hardship to bring before the Committee on the part of two of the best and most meritorious establishments existing in Ireland, namely, the Hibernian and the Royal Banks. In consequence of the refusal of the Bank of Ireland to afford sufficient banking accommodation, a number of banks having less than six partners were established, and the subsequent failure of many of these establishments was well known. In consequence of the depression of trade which ensued, and the continued monopoly of the Bank of Ireland, the Hibernian Bank was established in 1824. The hon. Baronet read the evidence of the late Mr. Ignatus Callaghan, one of the directors of the Hibernian Bank, given before the Committee of the House of Commons in 1838, to show that at the time the company obtained their Act of Parliament, in June, 1824, Mr. Huskisson and Lord Ripon, then Mr. Robinson, distinctly pledged themselves that the Bank of Ireland charter should not be renewed; and that, were it not for that pledge, and the expectation that at the termination of the

charter they would be enabled to become a bank of issue, the company would never have been formed. After that evidence he thought it was clear that the Hibernian Bank had been established on the express understanding that the Bank of Ireland charter would not be continued; and that it was to be afterwards placed upon the same footing with that establishment as regarded the issue of notes. The hon. Baronet read an extract from the Report of the Directors of the Hibernian Bank to the proprietors of the bank for 1833, in order to show that they had not lost sight of the expectation of becoming at some time a bank of issue. The Hibernian Bank had a paid-up capital of 250,000*l*. It had been conducted from the very commencement on the best principles, and it had conferred infinite service on the trading interests of Dublin. No complaint had ever been brought against its management or mismanagement. It was besides, an older bank than any other joint-stock bank in Ireland. It was followed by the Provincial Bank, in 1825, having thirty-six branches; the Northern Banking Company, having eleven branches; the Belfast Bank, with seventeen branches; the National Bank of Ireland, with thirty-seven branches, and the Ulster Banking Company, with thirteen branches. In 1825, the Bank of Ireland established twenty-three branches; but of these only six were placed within the prescribed circle of sixty-four miles, around Dublin, while there were no less than 131 branch banks outside the circle. It would have been easy for the Hibernian Bank to go outside the limit of the sixty-four miles, and thus become a bank of issue; but they were anxious to preserve their utility for the advantage of the mercantile community of Dublin, and if they had not done so, the trading interests of that city would have suffered to an extent which no man could see. In the year 1838 the Royal Bank was established, and though it had not equal claims on the ground of antiquity with the Hibernian Bank, it was equally entitled to the attention of the House. No complaint had ever been made against it, and, as well as the Hibernian Bank, it had been carried on with every due regard to ultimate fair and safe business. He would wish to know why these banks which, owing to the vicious legislation of Parliament, were obliged to confine their utility within sixty-four miles of Dublin, should not now share in the advantages that were about being extended to other banks? He was told in reply that the Bill of last year passed to regulate the issue of banks in England prohibited all banks which in 1844 had not the privilege of issue from becoming banks of issue hereafter. The clause which enforced that prohibition was by no means generally known; but even were it otherwise, it did not in the slightest degree affect the banks whose cause he advocated. If the same principles were adopted in both countries, they would prevent any fresh issue of paper, but they should at the same time preserve the monopoly of the Bank of Ireland, in which case it was clear that the Hibernian Bank would enjoy privileges which it will not possess under the increased competition to which it will hereafter be subjected. The Hibernian Bank had grounds for expecting that this course would be adopted, because in 1838 the right hon. Baronet, and he believed the Chancellor of the Exchequer also, voted for the renewal of the Bank of Ireland Charter for twenty years, and would have succeeded were it not for the opposition of some Irish Members, of whom he (Sir W. Somerville) was one. A great deal had been said about the Scottish system; but the cases were not at all analogous, as there never had been any circle of restriction established in that country. He wished to know what success the right hon. Baronet would meet with, if he had brought forward a measure for this country, supposing an exclusive circle had existed of sixty-four miles round London, which would enact that all the provisional bankers might issue notes within that circle, but that none of the London bankers should be allowed that privilege? He would venture to say that the right hon. Baronet would not attempt carrying such a measure in opposition to the London bankers. He could of his own knowledge bear testimony to the injurious effects of the monopoly of the Bank of Ireland. He had already presented two petitions from the corporation and inhabitants of Drogheda, another from Navan, and a petition a few evenings ago, signed by no less than 15,000 of the merchants and traders of Dublin, all praying that the Hibernian and Royal Banks might be placed on the same footing with the other joint-stock banks of Ireland. The evil legislation of that House prevented these banks be-

coming banks of issue heretofore; and now the right hon. Baronet proposed to take from them the share which they hitherto possessed in the monopoly of the sixty-four miles from Dublin, without allowing them in return any part of the privileges which he intended to confer on the other joint-stock banks. He was quite certain that the right hon. Baronet did not wish to do injustice; and he would be, therefore, most gratified if the right hon. Gentleman would take the case of these banks into his consideration, and declare his willingness to deal with them as he should deem just. He would be satisfied if any reasonable compromise were offered. The shares of these banks had already fallen 15 per cent. The right hon. Baronet might say that the privilege of issuing paper money was no advantage. He differed altogether from that opinion; and, at all events, it was only just to place one bank upon the same footing in that respect with the others. The hon. Baronet concluded by expressing a hope that he would have the support of the Scotch and English Members in favour of his Amendment, and that the right hon. Baronet (Sir Robert Peel) would consent to take the case of these banks into his own hands. The hon. Baronet concluded by moving, in Clause 1, line 5, after the word "thereof," that the following words be inserted:—

"And also so much of the said recited Act of 7th and 8th of Her Majesty as prohibits, after the passing of that Act, any other person than a Banker, who on the sixth day of May, one thousand eight hundred and forty-four, was lawfully issuing his own Bank notes, should make or issue Bank notes in any part of the United Kingdom, as far as same may be held to include in its enactment said Hibernian Joint-Stock Company and said Royal Bank."

The *Chancellor of the Exchequer* thought that to those who had attended to the previous part of the discussion the speech of the hon. Baronet must have afforded considerable satisfaction, as it showed that, under circumstances more unfavourable than could ever again occur, these two banks had carried on a profitable banking business.

Sir *William Somerville* said, his argument was, that the exclusive system was more favourable for these two banks than the proposed measure, unless they were permitted to share in the privilege of issue.

The *Chancellor of the Exchequer* said, the object of the Amendment proposed by the hon. Baronet was to repeal the enactment made in the last Session of Parliament, which applied equally to all parts of the United Kingdom, and which prohibited, from the day on which it passed, the establishment of any new bank of issue in the United Kingdom. To the restrictions imposed by that Act the banks of England and the banks of Scotland had submitted; and, though there were in the latter country two banks on the point of being established, when the Act of last year was introduced, Parliament had not thought them entitled to any indulgence on that account. The hon. Gentleman opposite asked them to make an exception of two banks in Ireland; and he had alluded to a promise said to have been given to the Directors of the Hibernian Bank by the Earl of Ripon and Mr. Huskisson, that at the expiration of the charter of the Bank of Ireland a free trade in banking would be established in that country, and that the charter would not be renewed. It was not the first time that such a statement had been made. In 1839, when Lord Monteagle brought forward a measure for renewing the charter of the Bank of Ireland, it was stated that a pledge had been given by the Earl of Ripon that the charter would not be renewed, and that at its expiration the privileges of the Hibernian Bank would be extended. Lord Monteagle then stated that he had applied to the Earl of Ripon to know whether he had any recollection of a transaction of the description alluded to, and he read to the House the answer which he had received. It was scarcely to be believed that any public man would say, thirteen years before the expiry of a charter, that he would guarantee the abolition of the charter at the end of that period. The answer given by the Earl of Ripon, in 1839, to Lord Monteagle, regarding the conversation which took place fifteen years before was, that he had no distinct recollection of what passed on the occasion referred to; but that there could not be a doubt that he did not—because he could not—give any pledge as to what was or was not to take place at the end of fourteen years; that he had no doubt that he had expressed his regret that he could not do more for the banks of Ireland than to give them the power of suing and being sued; and that he perhaps might have said that he was willing to give them the advantages conferred on the banks of England by the Act of 1826. He

came now to the consideration whether there were circumstances to justify the exception of these two banks from the restrictions which had been applied to the other banks of the United Kingdom by the Act of last Session. The hon. Gentleman seemed to think that they were entitled to exemption. The hon. Gentleman did not seem to be aware that there were not only joint-stock banks, but private banks, who had abandoned the issuing of notes from their being within the circle of the monopoly of the Bank of Ireland, and which had as fair a claim to be regarded by the House of Commons as the two joint-stock banks referred to by the hon. Gentleman. The hon. Gentleman said that these banks had suffered greatly from the price of their shares having become depreciated. But the same thing happened to the Bank of England, when the Bill of last Session was introduced. Bank of England stock, which had been 207*l.*, fell, when that Bill was introduced, to 203*l.* 10*s.* If they looked to banks in Dublin, they would find that while that discussion was going on, shares had become depreciated. Shares of the Hibernian Bank had fallen from 33*l.* 10*s.* to 31*l.*, and the Royal Bank from 14*l.* 2*s.* 6*d.* to 13*l.* 5*s.* The hon. Gentleman would perceive, therefore, that the fall in the price of these shares was not of a nature to produce any alarm, and that the same thing would happen when the present measure came into operation as had happened to the Bank of England after the measure of last year, the shares would rise to their former amount. He did not think the competition of other banks within the prescribed circle would at all injure the two banks alluded to by the hon. Gentleman. The notes of the Provincial Bank and of the National Bank would henceforth become current within that circle; and the two banks in question might make an arrangement by which they might be relieved from the necessity of acceding to the terms which the Bank of Ireland might propose as the price of circulating Bank of Ireland notes. He thought, therefore, that that advantage would more than compensate them for any loss which they might suffer from the competition. If he were to accede to the Motion of the hon. Gentleman, he felt he should be giving the banks in Scotland and England just ground of complaint; and he could not, therefore, hold out any hope of acquiescence on the part of the Government in the proposal made by the hon. Gentleman.

Mr. *Redington* did not think that the right hon. Gentleman could point out, either in London or in Scotland, any bank which had been put in the same position by the Act of last Session, as that in which the present measure would place the two banks referred to by his hon. Friend the Member for Drogheda. He hoped, therefore, the House would not be led astray by the notion, that they were about to do for Ireland the same thing which had been done for England and Scotland. The belief in Ireland was, that the right hon. Baronet opposite had curtailed the paper circulation of Ireland to an amount below what it ought to be, and he trusted the Government would reconsider the subject.

The *O'Conor Don* thought that the Hibernian Bank ought not to be put in a worse position than that in which it had hitherto been, especially as it had conducted its business in a satisfactory manner. The right hon. Baronet opposite (Sir R. Peel) had formerly expressed a desire to meet the wishes of the people of Ireland with regard to another part of that subject. He could assure the right hon. Baronet that if he wished to give satisfaction to the people of that country, he would reconsider his decision with a view to altering it on this point.

Sir *R. Peel* said, that his only object was to do that which would be permanently beneficial to the country. The Bill which was passed last year was to prevent the establishment of any new banks of issue. It was not merely a Bill for regulating bank charters, but it was also a Bill for taking precaution against excessive issues, and was applicable to any part of the United Kingdom. That was distinctly expressed at the time, and might be in the memory of many Gentlemen who were present during the discussion, which took place on the occasion. It had been decidedly announced, as the intention of the Government, that that Bill was intended to be generally applicable to the United Kingdom, and that the principle involved in it was, that no new banks of issue should be established. There were two banks in Dublin which never exercised the privilege of issue; and last year they passed an Act to the effect that no bank which had not then the privilege should, subsequently, be allowed to issue. He was not surprised, that not having had hitherto the privilege of issue, they should have conducted their business so satisfactorily as had been mentioned;

and he doubted not but they would still continue to do so as well as they had hitherto done. It was quite impossible for him to agree to the proposition for giving these two banks the privilege which they had not previously exercised; and he should, therefore, oppose the Motion of the hon. Baronet opposite.

Mr. *Hawes* was disposed to support the Motion of the hon. Baronet behind him (Sir W. Somerville), on the principle of the general benefit that might accrue to Ireland, from extending to that country a sound system of joint-stock banking. It was said, that if they went to Scotland they would find a sound system there in operation, which was essentially beneficial to the public. As to the reply of the right hon. Baronet at the head of the Government with respect to the Banking Bill of last year, he (Mr. Hawes) should observe that he did not consider himself bound by that measure, some portions of which he had opposed at the time, and some modifications of which he confessed he should like to see introduced. Several of the great commercial towns of Ireland, such as Cork, Limerick, Belfast, and Waterford, had applied for accommodation to the Bank of England, in consequence of the existing monopoly of the Bank of Ireland, and that having been refused to them, he considered, if it was supposed to be of service to Ireland to have this power of issue sought for granted, that it ought to be conceded. There was no reason to suppose that this power would increase the present circulation—it might rather tend to diminish it. In conclusion, he had only to say, that however the present system might be viewed, he thought it was only good policy to extend to Ireland the benefit of a sound system of joint-stock banking, and on that ground he was disposed to support the Motion before the House.

Mr. *Bellew* considered the Hibernian Bank was especially entitled to consideration, inasmuch as for many years it had counteracted and resisted the stringent and imperious monopoly of the Bank of Ireland, at a period when that establishment was indisposed to afford accommodation to any persons except those of a particular line of political opinions.

Mr. *E. B. Roche* supported the Motion; and wished to know on what grounds it was that Ministers refused those banks the privilege of being banks of issue at a time when they were doing away with that monopoly which the Bank of Ireland long possessed for sixty miles round Dublin, and when the people of Ireland expected to have the benefit of the abolition of those restrictions? He did not then mean to express any opinion as to whether it was or was not advisable to have only one bank of issue; that question was not raised in the present discussion; but he did think they ought not to shut out two solvent, and, as had been fully acknowledged, well-managed banks, from that competition which they ought to be allowed as banks of issue. Now that commercial enterprise was opening up in Ireland, and making fresh demands for facilities of monetary transactions, they ought not to create monopoly, but allow a free trade in banking as well as anything else.

Mr. *P. M. Stewart* supported the claims of the Royal and Hibernian Banks to the enjoyment of the advantages conferred by this Bill.

Mr. *Muntz* supported the Resolutions proposed for the extension of the advantages of this Bill to Ireland. One great argument in favour of the Resolutions was, that Ireland was a poor country, and had on this account a claim to particular consideration, in respect to the special matter under discussion.

Mr. *Wyse* supported the Amendment. He thought that those Banks had the fullest claim to the enjoyment of those privileges. If those banks had had timely notice that the Bank of Ireland was disposed to surrender its peculiar privileges, there was no doubt that they would have come forward and established their claim. He felt bound to support the Motion for the extension of those privileges to those banks, convinced that it was just.

Mr. *C. Wood* thought that, in some respects, the measure of the right hon. Baronet with regard to Ireland was in some of its enactments more liberal than the measure extended to Scotland. He did not think that any case had been made out for the extension of those privileges to those banks. It might be true that to confine the issues to existing banks was to give them a monopoly. No doubt it was. But the right hon. Baronet was anxious in these measures to preserve existing interests, and therefore he allowed existing banks to issue up to the amount they issued now. He did not think there was any fair ground for the complaint that parties had been taken by surprise, and that being so, he could not agree to this motion.

Mr. *Sharman Crawford* would appeal to the good feeling of Government on this question. They had recently been acting upon a very conciliatory policy towards Ireland; but this measure had a very unconciliatory tendency. It would excite a very unpleasant feeling in that country, if the Government carried this measure in opposition to the united remonstrances of the Irish Members—particularly as no advantage had been proved as likely to result from the change. He hoped, therefore, that, in some way or other, those banks would be allowed to issue notes.

Sir *W. Somerville* replied. The analogy between Scotland and Ireland did not hold, for in Scotland they had no monopoly to deal with; but that was not the case in Ireland. As the monopoly was now to be abolished, he contended that these banks whose case he had brought forward ought to share in the advantages. He agreed with those hon. Gentlemen who stated, that Ireland was now beginning a career of prosperity. He believed that a career of prosperity was now opening upon them, of which no man could foretell the extent; and he trusted the right hon. Baronet would not, by this measure, interfere to check it.

The Committee divided on the Question, that the words be inserted:—Ayes 43; Noes 103: Majority 60.

On Clause 8 being proposed,

Mr. *M. J. O'Connell* suggested that the average of the circulation should be taken, not, as proposed by the Bill, for twelve months previous to the 27th of April last, but, as in the English Bill, for twelve weeks preceding that period.

Mr. *Redington* complained that the Irish bankers had not been put upon the same footing as the English bankers.

Sir *R. Peel* said, no advantage had been taken of the Irish bankers, to whom twelve months had been given, which had not been given to the English bankers.

Mr. *Redington* asked why the right hon. Baronet did not give a reason for making a distinction between the two countries?

Mr. *E. B. Roche* said, his hon. Friend (Mr. Redington) was wrong in looking for a reason from the right hon. Baronet, who was not under any necessity for giving a reason, backed as he was by a majority who would support him. The Irish Members and the interests of Ireland were in fact treated with contempt, and he advised his hon. Friends to take no more trouble with the Bill.

Sir *R. Peel* said, he could not conceive how any Government could be supposed to have any motive in imposing a restriction upon the currency of Ireland, unless with a view of securing the welfare of the country. He had had long experience of the effects of an uncontrolled circulation in Ireland. He remembered the years 1819, 1820, and 1825, and the disasters which overtook numberless individuals, who in vain struggled against the misfortunes in which they were involved. So far from treating the Members from Ireland, or the interests of Ireland, with contempt or neglect, he had the strongest impression they were consulting the interests of Ireland, by putting some check to the undue increase of the paper circulation of the country.

Mr. *M. J. O'Connell* would not give the House the trouble of dividing on the question.

Clause agreed to.

On Clause 9 being read,

Mr. *M. J. O'Connell* proposed to leave out the words, "At the Head Office in Dublin." By the law as it at present stood, which they did not want to change, every bank was obliged to pay its notes at its branches as well as at the head office in Dublin. The effect of the clause in the Bill would be to embarrass commercial enterprise, by unnecessarily restricting the circulation, for the banks would be obliged to keep bullion to meet their notes, not only at their branches in the country, but at their head offices in Dublin.

Mr. *Hawes* said, that if any parties had a right to complain of the Bill, it was the English, not the Irish Members. There was a fairness and liberality towards Ireland in this Bill, which he had looked in vain for in the English measure. But, at the same time, he thought that the wish of the Irish Members might be acceded to on this point.

The *Chancellor of the Exchequer* regretted that he could not accede to the wishes of hon. Gentlemen opposite. The Bill provided sufficient margin for the expansion of the currency. He did not share in the apprehension of the hon. Member for Kerry, that the increased commerce and improved railway communication of Ireland would be injured by the restricted circulation of this Bill.

Mr. *M. O'Ferrall* was sorry that the right hon. Gentleman would not concede to the wishes of his hon. Friends. All that was required was to gain security for the

country, and that security would be insured by having gold anywhere—whether at the head office, or at any of its branches.

Mr. *S. Wortley* thought there was so much reason in the objections against the plan of the Government on this point, that they ought to concede it. He quite concurred in the observation of the hon. Member who had spoken last.

Mr. *Ross* assured the Government, that whatever other concessions were made, they would be quite useless, unless they conceded the present point. The people of Ireland would not be satisfied without it.

Mr *Redington* said, that the plan of the Government demanded from the Irish banker 2*l.* in gold for every 1*l.* in paper.

Mr. *Trelawny* assented to the general banking principles of the right hon. Baronet, which were founded upon the doctrines of free trade; but, upon the present point, he agreed with the Irish Members; and, on the last division, had voted with the minority. Many English Members had done the same; and so it was not fair to charge them with indifference to Irish interests.

Mr. *Wyse* said, that he had anxiously waited for some reason from the Government for the course they were adopting, but no reason had been given. All the objection the Government could offer to the Amendment was a small inconvenience; whilst to their plan were opposed the general banking interests of Ireland.

Sir *R. Peel* said, that hon. Gentlemen seemed very much alarmed at the consequences which would follow from restriction. They thought that an increased currency was essential to the prosperity of a country, and they referred to Scotland. He would read the opinions of Scotchmen themselves. [The right hon. Baronet read a statement published by the Directors of the Glasgow Chamber of Commerce in 1841, which showed that the circulation of Scotland had diminished in late years, while the transactions of the country increased.] It was on the proper distribution of capital by banks, that the prosperity of a country depended, and not on the amount of its paper currency. It was far better that there should be a sound paper currency, than that there should be a short and delusive prosperity accompanied by a speedy reaction. He much preferred the system adopted in Ireland of making the notes payable on demand at the branch banks, to the system adopted in Scotland, of making them payable only at the head bank. But some of the Irish banks had so many as forty or fifty branches; and, without meaning in the least to depreciate the Irish banks, he thought it right that there should be some security. He would undertake to consider whether or not, without endangering the security which it was right to require, they could adopt some such a plan as would make bank notes payable at every branch to the holders of its notes, and yet, at the same time, not hold out any inducement to the head bank to collect its gold for the purpose of increasing its issues. If he could reconcile the two things, he would do so; but he should not be considered as giving any pledge.

Amendment withdrawn.

Clause agreed to.

On Clause 15, prohibiting the issue of notes for fractional parts of a pound, being proposed,

Sir *W. Somerville* hoped the right hon. Baronet would not prohibit the circulation of 25*s.* and 30*s.* notes, which were of the greatest convenience.

Sir *R. Peel* said, he believed the effect of prohibiting the issuing of such notes would be to increase the silver circulation; and he had so strong an impression of the advantage of this, that he could not agree to the suggestion of the hon. Member.

Mr. *Redington* said, that the right hon. Baronet had not proposed the clause in the first instance. He could not then have considered it of so much importance; and it looked very like inconsistency to propose it now.

Sir *R. Peel* said, it was impossible, in proposing a measure like the present, to foresee every case that might arise. It might look like inconsistency; but the question, after all, was, whether what was proposed in the clause would be for the advantage of Ireland; and he really believed it was.

Mr. *M. O'Ferrall* said, that the people, in making bargains at fairs, found great convenience in the 30*s.* notes. He, therefore, hoped, that if the right hon. Baronet was determined in abolishing all other fractional notes, he would not interfere with the 30*s.* notes.

Mr. *C. Wood* supported the clause. He thought it would be most beneficial to the country to bring silver into circulation; and he hoped the right hon. Baronet would not consent to the alteration.

Mr. *Ross* saw no objection to this clause; but by another clause the bankers of Ire-

land were required to keep a greater amount of silver than the country contained.

Sir *R. Ferguson* hoped the right hon. Baronet would reconsider this subject. The prohibition of these fractional notes would cause the greatest inconvenience to small traders in Ireland.

Clause agreed to.

Remaining clauses and the schedules agreed to, with verbal Amendments.

The House resumed.

Bill to be reported.

PRIVILEGE — PRINTED PAPERS.] Mr. *Speaker* stated, that the Sergeant-at-Arms had a communication to make to the House.

The Sergeant-at-Arms, having been called upon, said—"I have to acquaint the House, that in the case of Howard *v.* Gossett, in which judgment has been pronounced against me, an execution was on Saturday, the 7th inst., levied, including costs, for the sum of 436*l.* 12*s.*"

On the Motion of Sir *R. Peel*, the communication was referred to the Select Committee.

House adjourned at ten minutes to One o'clock.

HOUSE OF LORDS,

Tuesday, June 10, 1845.

MINUTES.] BILLS. *Public.* — *Reported.* — Maynooth College (Ireland).

3ª. and passed:—Canal Companies Tolls; Canal Companies Carriers.

Private.—1ª. West of London and Westminster Cemetery; Trent Valley Railway; London and Greenwich Railway; Newcastle-upon-Tyne (Tynemouth Extension) Railway.

2ª. Sir Robert Keith Dick's Estate; York and North Midland Railway (Bridlington Branch); Dunstable, and Birmingham and London Railway; York and Scarborough Railway Deviation; Bedford and London Railway; Eastern Counties Railway (Ely and Whittlesea Deviation); Wilts, Somerset, and Weymouth Railway; Midland Railways (Nottingham to Lincoln).

Reported.—Whitby and Pickering Railway; Ely and Huntingdon Railway; Lynn and Ely Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Blackburn Waterworks; Glasgow Bridges.

3ª. and passed:—Whittle Dean Waterworks; Standard Life Assurance Company; Nottingham Waterworks; Chester Improvement; Spoad Inclosure; Cromer (Norfolk) Protection from the Sea.

PETITIONS PRESENTED. By the Bishop of Norwich, Duke of Buckingham, Earls of Radnor, Winchilsea, and Charleville, Marquess of Breadalbane, and by Lords Campbell, and Denman, from Clergy and others of Stottesden, and numerous other places, against Increase of Grant to Maynooth College.—By Lord Campbell, from Edinburgh, for Abolition of Religious Tests in Scotch Universities.—From the Rev. W. W. Ellis, and other Managers of the Saint Clement Danes, Holborn, Estate Charity, for Exemption from Charitable Trusts Bill.—By the Lord Chancellor, from Protestant Dissenting Congregation of Eustace Street, Dublin, in favour of Increase of Grant to Maynooth College.—From Protestants of Killuken, for Inquiry into the Course of Instruction adopted at Maynooth College.—From Edinburgh, for Encouragement to Schools in connexion with Church Education Society (Ireland).—From Mayor and others of Quinborowe, against the Quinborowe Borough Bill.—From Inhabitants of Blackburn, in favour of the Blackburn Waterworks Bill.

RAILWAYS.] Lord *Brougham* presented a petition from Dr. Freer, of Oakford, Devonshire, complaining that a railway was proposed to pass through his grounds, which would entirely separate his lawn from his garden and pleasure grounds. He held a lease of his property for thirty years, nine or ten of which had not yet expired. He complained to his landlord, a worthy Baronet, of the inroad that was to be made on his property, and his landlord promised him protection; but he subsequently found that the Railway Company had bought off the landlord, and he had consequently withdrawn his opposition from the Bill. The House of Commons had since passed the Bill. He (Lord Brougham) considered this so gross a case that he should not be justified in withholding the name of the Baronet, in order that he might contradict the statement, if it was based in error. It was Sir Stafford Northcote; but he did not mean to assert that that worthy Baronet was himself personally cognizant of the transaction, inasmuch as his agents might have been the parties who made the arrangement. But he should certainly vote for the Bill being thrown out on its second reading.

Lord *Campbell* considered this attempt on the part of the Railway Company as one of the grossest attempts to interfere with the property of an individual that had ever come under his notice. He had seen the plan of the railway, and according to it, the railway would entirely cut off the lawn from the pleasure grounds of Dr. Freer; and as the company had the power of diverging 100 yards either way, the line might be carried directly under the drawing room windows of that gentleman.

The Earl of *St. Germans* entirely disapproved of the discussion, as being fraught with great inconvenience. He could not believe that the worthy Baronet alluded to could have been guilty of the conduct imputed to him, as he knew him to be a man of the highest honour. These allegations formed matter of inquiry for the

Committee, and, therefore, he thought it would be rather too much to reject the Bill on the second reading merely on the *ex parte* statements contained in the petition.

Lord *Redesdale* knew Dr. Freer personally, and believed that he had been very harshly treated.

Lord *Brougham* said, that he had received a lecture from the noble Earl opposite, for having exercised his undoubted right of making a statement on presenting a petition. The noble Earl must only be a Member of Parliament of the day before yesterday not to know that some statement must precede inquiry. The Bill had not yet arrived at its second reading. He had already said that he did not believe the worthy Baronet was a party to the transaction, but he had since looked into the petition, and he found it there stated, not that agents had been employed, but the son of the worthy Baronet himself.

The Earl of *Wicklow* said, it was most inconvenient that the time of the House should be occupied, night after night, by discussions upon these private complaints. The proper course would be to refer such petitions as that presented by the noble and learned Lord to the Committee. Some of these petitions contained serious imputations on the characters of individuals, which, in consequence of the discussions upon them, obtained circulation through the press; and he considered that such proceedings ought not to be sanctioned by their Lordships. He believed there was not an individual in the country who had or fancied he had ground of complaint against any railway company, who would not forward his complaint to that House through the noble and learned Lord opposite, in hopes that he would not only present it, but make a long *ex parte* statement in his favour. Every facility was afforded to such individuals for bringing their cases before the Committee, and he considered it most inconvenient that their Lordships' time should be occupied with such matters.

Lord *Brougham* said, nothing could be more destitute of foundation than the statement the noble Earl had just made with reference to himself. The noble Earl had charged him with being ready to present any petitions containing *ex parte* statements which were committed to him. Heaven forbid that such a statement should go forth, or he (Lord Brougham) would be overwhelmed with such applications! The fact was, that he did not present to their Lordships one in fifty of the petitions forwarded to him on this subject; many of them he refused to present.

Petition read and ordered to lie on the Table.

MAYNOOTH — THE FREE CHURCH (SCOTLAND).] The Marquess of *Breadalbane*, in presenting a petition from Members of the Free Church of Scotland, against the proposed grant to the College of Maynooth, said, as evidence of what could be done by the voluntary principle, the petitioners stated that within the last three years the Members of the Free Church of Scotland had built and occupied 530 churches, at the cost of 335,980*l.*, leaving a debt remaining upon them of 50,000*l.*; that 70 new churches were still in the course of erection; and that the number was expected to be shortly increased to 700. They further stated that in 1843 and 1844 they collected the sums following:—For the Sustentation Fund for the relief of their ministers, 62,468*l.*; Building Fund, 237,836*l.*; Congregational Fund, 41,340*l.*; Mission Fund, 31,790*l.*; legal expenses, 1,105*l.*; and Assembly Accommodation Fund, 1,853*l.* From 1844 to 1845 they also collected — for the Sustentation Fund, 75,468*l.*; Building Fund, 122,148*l.*; Congregational Fund, 78,851*l.*; Mission Fund, 68,805*l.*; legal expenses, 3,385*l.*; and Assembly Accommodation Fund, 707*l.*; making the total sum collected since their secession 725,452*l.*

MAYNOOTH COLLEGE (IRELAND) BILL.] Order of the Day for the House to be put into Committee, read.

The Duke of *Wellington* moved that the House do now resolve itself into Committee.

The Duke of *Leinster:* Before your Lordships go into Committee upon this Bill, I would like to say a few words upon the subject. I am quite convinced that if the noble Lords who have spoken and voted against the measure now before the House had resided for the number of years that I have done near Maynooth, they would have entertained very different sentiments with respect to the proposed increase of endowment. I have watched

that College for thirty-two years, and, as a magistrate residing in its vicinity, I can assure your Lordships that I never heard of the slightest misconduct being committed, or anything improper taking place within its walls. I have had the honour of knowing three of the professors for several years, and I know them to be most worthy men. I have also been acquainted for a number of years with the present Principal of the College—a gentleman of most excellent character, and most averse to taking any part in politics or in political agitation; but who, I much regret to say, is at present in such a bad state of health as to make me fear that he will not survive to reap the benefits proposed to be conferred upon the institution under this Bill. I again beg to thank the Government for what I consider a great boon to Ireland.

The Earl of *Clancarty:* My Lords, notwithstanding the very favourable opinion the noble Duke (Leinster) has expressed of Maynooth College, I feel it my duty to move, as I yesterday gave notice I would do, as an Amendment upon the Motion before the House, that the Bill be committed this day six months. In doing so, it will not be necessary for me to trespass many minutes upon the time of your Lordships; indeed, it would be inexcusable in me to address you at any length, after the patient hearing you were kind enough to give me on the second reading of this Bill. Your Lordships, however, cannot be surprised, after the statement I then made of the main grounds of my opposition to the Bill, that I should feel it my duty to oppose it at this stage also; as not one of the arguments I urged against the Bill was answered, or attempted to be answered. I shall not, of course, reiterate those arguments; but I must be permitted to say, that in what purported to be a debate, it was no unreasonable expectation on my part that I looked to have heard, in some of the speeches which followed mine, some answer to some, at least, of the objections I had advanced. For instance, when I represented the obligations of the Oath of Supremacy, as precluding me from giving my assent to this measure, and entered very particularly into that part of the subject, I assured myself, that as the obligation of that oath, rightly understood, was equally binding upon all, some of those who followed me in the debate, and who, from the votes they gave, I must presume to have taken a different view of the oath —and among those who so addressed your Lordships, were two right rev. Prelates who spoke at considerable length in support of the Bill—I say, my Lords, I felt assured that some noble Lord, or right rev. Prelate, would have endeavoured to remove so serious an objection, ere he recommended your Lordships to assent to this measure; as though a religious obligation, than which none should be more binding, could be overruled by the mere argument of expediency. I may, therefore, say, that being rather confirmed in the view I then took, than in any degree shaken in my opinion by the vote the House came to upon the occasion, it is my duty to raise my voice, and protest against the further progress of this Bill. It is, I believe, my Lords, pretty generally admitted that a principle is violated by your maintaining the Maynooth establishment; your proposed permanent endowment of it precludes all doubt whatever upon the subject. And how is it attempted to justify it? Why, by reference to precedent; as if precedent could really be any justification of an act not in itself justifiable! Yes; precedent and expediency are what the advocates of this measure rely upon! My Lords, I will briefly advert to the question of precedent, as it was argued the other night by the noble and learned Lord (Brougham). I certainly was not aware, until he stated to the House the facts with respect to the Roman Catholic establishments in our Colonies, that these ecclesiastical establishments were upheld otherwise than in virtue of Treaties, on the countries being ceded to the sovereignty of England. The noble and learned Lord, however, stated —and no one is better able to give information upon such a subject than the noble Lord—that Treaties had nothing to do with them. Before, however, the endowments of our Colonial establishments can be set up and pleaded, as affording precedents for this Bill, a question arises which, no doubt, the noble and learned Lord will be able satisfactorily to answer —Are those endowments in perpetuity? Or can they, under any circumstances, be withheld or interfered with by the Crown? Or, if not, is there a veto in the appointments, or any other power of control reserved to the State, by which may be upheld the rights of the Crown against the

pretensions of papal authority? In that case, practically, the supremacy of the Crown would be maintained, which, in the case of Maynooth, it is not; and these Colonial endowments would afford no precedent for the present measure. The noble and learned Lord, however, somewhat inconsistently with his declaration that Treaties had nothing to do with the maintaining of Roman Catholic establishments in the Colonies, stated, that in the case of Canada, the King of England, in the Treaty of Paris, would only stipulate to allow the free exercise of their religion to the Roman Catholics, "so far as the same was allowed by the laws of England." Now, my Lords, this shows—if anything can—that there was a principle to violate—that there was something in the laws of England to limit the power of the State of supporting, or even of tolerating, the Roman Catholic religion. And my respect for those distinguished statesmen by whom the government of the Colonies has since been conducted, induces me to believe that that principle has been respected—that it has not been violated—and that, consequently, our Colonies exhibit no precedent for the measure under consideration. It cannot, my Lords, be necessary for me to remind your Lordships, that a jealousy of any exercise of papal jurisdiction or authority within the British territories was the origin of the Oath of Supremacy; and that in virtue of that oath, Her Majesty's Ministers and Parliament are bound to maintain the rightful supremacy of the Crown; its due power of control over every ecclesiastical institution within the realm. Consecrated, therefore, as this principle is, although a precedent could be shown of its having been violated, it could never be pleaded as a justification of a like violation even in a case perfectly analogous. Many, I believe, give their support to this Bill in the belief, that hereby they will best secure the Protestant Church Establishment. It was, I recollect, recommended by the noble Lord the Secretary for the Colonies to the friends of the Protestant Church, upon the ground that there would be less of danger to that institution from an endowed, than from an unendowed antagonist Church. My Lords, I give the fullest credit to the perfect sincerity of the noble Lord's attachment to the Protestant Establishment. He has more than once evinced it: even where he has interfered with the temporalities of the Church, his measures, though not always productive of benefit, were, I am satisfied, designed to promote the efficiency and stability of the Church; but never was worse counsel given than that which he now offers. I heard, indeed, with pleasure the determination expressed by the noble Lord, and by another noble Lord, an influential Member of the late Government (Lord Monteagle), that they would under no circumstances consent to any portion of the revenues of the Established Church being diverted to the support of the Roman Catholic religion; but I would warn those two noble Lords, and others who may have been influenced by them, that by their votes upon this Bill they are establishing a principle that will operate far more powerfully for the overthrow of the Protestant Establishment, than their individual votes, wishes, and pledges could do for its support. Let them consider well what the consequences will be if this Bill passes. My Lords, this question will necessarily arise, "If the State gives favour and encouragement to the dissemination of the Roman Catholic religion in Ireland—and of course, therefore, considers its dissemination desirable—why does it continue to maintain a Church the most opposed to its doctrines; and which, so long as it is maintained, must prove an obstacle to that union of religious opinion which is so much to be desired in a nation, or rather to that universal and implicit submission to papal authority which the Church of Rome requires, and which the State, by its support of the principle of this Bill, must be held to approve?" If you would uphold the Church, my Lords, it must not be thus in the teeth of reason. It is not by the sufferance, still less by the purchased sufferance, of an antagonist or rival establishment, and that, too, the Church of Rome, that the Protestant Church can or ought to stand. The Church is designed to commend to the Queen's subjects that which the State has hitherto held to be the true religion. This it cannot do effectually, if the State practically denies or raises doubts respecting its soundness. The Church rests its claim to State support, my Lords, not merely upon Acts of Parliament, nor even upon prescriptive right, but mainly upon its scriptural character, the purity of its doctrines, and upon its adaptation to the important objects of its institution; and it is a most erroneous

and a very narrowed view to take of the duties of ecclesiastics of that Church in Ireland, to say, that they do not extend to those who are not of their own communion. With great deference for so high an authority as that of the most rev. Prelate (the Archbishop of Dublin) who put forward such an opinion, I would beg to remark that dioceses and parishes are territorial divisions, and that the bishops and curates appointed to them are paid alike by Churchmen and Dissenters; and that therefore they are to both, as far as they can afford them, the offices of a Christian ministry. If I thought that in a parish where there was no Protestant, or only very few members of the Church, the clergyman was therefore either a sinecurist or nearly so, I should join with those who look upon the Establishment as an anomaly, at least I should doubt the propriety of maintaining it on its present footing. But sufficient may be gathered from the ordering of deacons, priests, and bishops, to show that a far greater responsibility is accepted by the clergy of the Established Church; and I rejoice to say that the practice of most of the clergy now, happily evinces a due sense of the duties they have undertaken —works of local charity are encouraged and superintended by them without distinction of religious creed. Scriptural education of the poor of all religious persuasions, subject only to the restrictions of parental authority, is a duty which they labour to perform, though much opposed in it, I regret to say, by the measures of Her Majesty's Government; and the practice of visiting and affording religious instruction and consolation, as far as practicable, to adults of every religious denomination, is a duty, the efficiency of which is much promoted by the uniform manifestation of Christian charity, Christian zeal, and Christian consistency. So long as the State is consistent with itself, and the clergy faithful to the discharge of their duties, the stability of the Church will not be endangered, its usefulness will ensure its prosperity; but if an inconsistent part be acted by either, then, indeed, it must, under Heaven, depend for its continuance upon the precarious tenure of sufferance. Desirable as it might be to have all united as members of the same communion, Christianity is not viewed by the Church as confined to its own or any other form of worship; but as I believe it to be the best and the purest, I cannot, for one moment, admit what the noble Lord (Lord Stanley) and others have seemed to suppose, that Ireland never can become Protestant. Why should it not become so as much as England or any other country? Is Ireland, my Lords, alone incapable of appreciating the religious liberty of the Reformation; or, shall it be said that she alone is unworthy of its enjoyment? I think the contrary to be the fact; and I never will consent to this or to any other measure, the effect of which shall be to perpetuate upon my countrymen the yoke of papal authority. As an argument in favour of this Bill, I have heard it more than once stated, that its effect upon the Roman Catholic clergy would be to render them gentlemanlike. As I have seen it in print, and heard it even uttered in this House, I presume it is considered one of importance; but, I must say, that so extraordinary an argument for enlarging and enriching an ecclesiastical establishment, I never could have imagined. It is anything but complimentary to the Irish priests; but it is for those who use it—I do not—to justify the imputation they have cast upon that body, that they are not gentlemanlike. But how a larger amount of pocket money, and better bedroom accommodation will tend to remedy the evil, I own I cannot see. Education, no doubt, may exercise a beneficial influence upon a man's feelings and manners; but the system of education, the teachers, the discipline, the books of instruction at Maynooth College, are to remain unchanged. Professors who now get 120*l.* per year—a larger sum by 20*l.* than is given at Trinity College, to the Professor of the Irish language—are bound by the discipline of the Church of Rome, to a state of celibacy; what, then, is the object of giving them larger apartments and higher salaries? I apprehend that neither they nor their disciples—whose pocket money and bedroom accommodation are likewise the care of the Government—will be rendered one degree more gentlemanlike than they are at present. A Protestant curate who may be a married man, with a family to support, with no larger income than 75*l.* a year, is not one whit the less a gentleman because his pay is so small, and his enjoyment of even common necessaries of life so limited. I believe you will find in such a man's establishment,

none of that filth, disorder, and discomfort which are so feelingly attributed in Maynooth College to want of funds. Extreme frugality will no doubt pervade it; but its whole economy will give token of the well-regulated mind and habits of the owner. I think, therefore, that it cannot be reasonably attributed to the mere want of money, but to the want of some stringent reforms in the College itself, that Maynooth exhibits the disgraceful picture that has been drawn of it. There are different ways of acquiring gentlemanlike habits; the study of Lord Chesterfield's Letters may make a man outwardly and artificially a gentleman; a liberal education, and intercourse with good society, will produce corresponding habits; but, I maintain that in none do the feelings and manners of a gentleman so much predominate as in those who have received a Christian education. Such dispositions are not to be purchased with money; and in ecclesiastics, more particularly, they should rest upon the sole foundation of Christianity. A few words, my Lords, before I sit down, as to the policy of the Bill. This measure is proposed as one likely to cement the Union between Great Britain and Ireland. The object is so far unexceptionable; but do you see any reasonable ground for expecting that such will be the effect of it? For the desire so generally expressed of a cordial union with my countrymen, I am grateful; but, my Lords, the effect of this measure will be the very opposite of that which you look for. If you would conquer the good will and gratitude of the Irish people towards this country by means of charitable endowments, which must necessarily be provided for, in greatest proportion from English pockets, it must be made apparent that the national feeling of the English people, as well as a majority in Parliament, assents to it; otherwise the act loses its greatest value and efficacy. Now, what is the case in this instance? The nation—Protestant England and Scotland—are almost as one man declared against this measure; press it forward in defiance of their feelings, and you but exasperate them, without obtaining the object of conciliating Ireland. I would put it to your Lordships, whether a more unpropitious moment could be chosen for this so called "measure of peace to Ireland" than the present, when feelings exist on both sides of the Channel so little likely to do justice to the motives with which, I would fain believe, that the measure is brought forward. Far too strong has been the language of reprobation and abhorrence of Romish doctrines expressed even within the walls of Parliament by the friends as well as the opponents of the Bill, to render your support of it, my Lords, either consistent or respectable. Nothing could at present redeem it in the eyes of the Irish Roman Catholics from the imputation of being a graceless and weak concession wrung by the force of circumstances from a reluctant Parliament. What prospect, under such circumstances, can it hold forth of social harmony? Notwithstanding the petitions which crowd the Table of the House against this Bill, some have ventured to doubt whether they afford a correct index of the public mind. I admit, my Lords, that some, but, comparatively few, are directed against endowments of every kind: except, therefore, so far as their language is directed against this grant in particular, they cannot be of any weight in the consideration of this measure; but I believe it will hardly be contended by a majority of your Lordships, even of those most friendly to the Bill, that public opinion has not been strongly pronounced against it. If the people of England be in error, let time be given to their natural good sense to come round—the reasons in favour of this measure are before them—it has had the advocacy of the most learned and able advocates on both sides of the House; the arguments, therefore, such as they are, in favour of the Bill, have gone before the public with peculiar advantage. If, therefore, the measure be really a sound one, the reasons in favour of it will not fail to have their due weight with the English mind; but the present excitement must be allowed first to subside, and time be given to weigh and to compare all that has been said or may be pleaded for or against it. England must feel that she is not overruled or coerced in her conscientious convictions, otherwise you will find that the feeling of conciliation will be even more necessary in England than you imagine it to be in Ireland. Let this question be adjourned for another year, or reserved for a new Parliament; in the mean time, a fuller consideration may be given to it in all its bearings than it appears as yet to have received at the hands of Her Majesty's Government. Let

other measures of a substantial value to the country, such as those recommended by the Land Commission, be brought forward. Let the attention of Parliament be directed to the improvement of the laws for the relief of the sick and of the destitute; and should this Maynooth endowment Bill be afterwards deemed a sound one, and for the advantage of Ireland, it will go over thither ten times more effectual for the purposes of conciliation, as it will carry with it the concurrence and good will of the English people. I beg, my Lords, in conclusion, to move that the Bill be committed this day six months.

The Earl of *Wicklow* could not allow this opportunity to pass without returning his best thanks to the Government for the wisdom with which they had planned the measure, and the courage with which they had carried it into execution, notwithstanding the strong expression of public opinion that had been made against it. But while he said this, he was bound also to state that, in his view, this was only a part and parcel of a measure. Indeed, he should be sorry that the measure had been brought forward at all, did he not look upon it as an index or an earnest of other measures. It was impossible to stop short with this, having once established the principle which was involved in this Bill; and having brought forward this and the other measures now before Parliament, it was quite impossible for the Government to avoid pursuing the course upon which they had entered. What remained to be done was plain, and was confined to one great measure—which the Government would have carried this Session, he was persuaded, had they introduced it, with no more opposition than the present Bill had been met with—a measure infinitely more important than this, and should, in his opinion, have preceded it—a measure for connecting the Roman Catholic Church of Ireland with the State by means of endowment. That was a measure not only necessary, but imperatively called for, and one that must be carried. The only questions now were merely as to time and mode; but these were, he admitted, questions of some importance. In his opinion Parliament should have seized the opportunity which the present Session afforded them for passing such a measure. The consequence of their not doing so would be that a no-Popery cry would be raised in the country against such a Bill, and the difficulties of carrying it would be increased. The numberless petitions which had been presented against the present Bill, both in that and the other House of Parliament, was a sufficient indication that any such measure as that he suggested would be made the occasion of renewed excitement in the country—an excitement which a timely introduction of the measure, he thought, might have prevented. As to the question of time, his opinion was, that the measure should be brought forward at once. Then as to the mode by which the object was to be effected. To his mind, two modes suggested themselves; in the first instance, the endowment of the Roman Catholic clergy by means of a charge upon the Consolidated Fund; and the other, was the endowment of that clergy by money taken from the funds of the Established Church of Ireland. To both of those modes he was most decidedly opposed. To the first he objected on principle; and he believed the Parliament of England would never be brought to sanction it, nor did he believe the Roman Catholic clergy, would themselves be induced to accept it in that form—in fact, they had declared they would not, and he thought they were perfectly right in that determination; for, did they accept an endowment from such a source, they would lose the high position they now held. But, if he objected to this mode, his objections were stronger to a tenfold degree to the notion of again plundering the Protestant Church of Ireland for the purpose of endowing the Roman Catholic clergy of that country. In his mind the only just and fair mode of dealing with the question was to place the burden of this endowment as a rent-charge on the land of the country. That was the mode which, in his opinion, would be attended with the most complete success—a mode which, he was confident, would be approved of by the Parliament, while the landed gentry of Ireland would have no right to object to it. When he said a rent-charge, he meant that it should be imposed upon the same principle as that which was levied for the maintenance of the Protestant clergy, but not to the same amount; and for this reason, that the Roman Catholic clergy had not the same claims as the Protestant clergy—they were not married men, their expenses were less, and they ought not to receive so much,

and he believed did not require so much. The amount which had been plundered from the Established Church of Ireland within the last ten or twelve years would be amply sufficient for the purpose. The first Act by which that Church had been plundered was the Tithe Adjustment Act, by which 190,000*l.* a year had been abstracted from the clergy, and placed in the pockets of the landlords. The next was the Church Temporalities Act, by which 60,000*l.* a year more had been taken from the Protestant Church, and put into the pockets of the Irish landed gentry. By these Bills, the income of the Church was reduced from 750,000*l.* to 550,000*l.*—that is, 25 per cent. was taken from the Church and given to the landlords. Putting these together, the two sums taken from the Established Church—the 190,000*l.* and the 60,000*l.* — they made up the sum of 250,000*l.*, a sum more than specified for the endowment of the Catholic clergy of Ireland in the Bill proposed by Lord Francis Egerton, and which in 1825 passed the House of Commons, and did so without exciting any of the outcry and horror that was now raised and expressed against Popery. By Lord Francis Egerton's Bill the sum proposed was 234,000*l.* That was the sum then proposed to be taken, and put into the pockets of the Catholic clergy as an endowment. He now asked their Lordships if any one of them would consider it to be a dear purchase for the peace and tranquillity of Ireland, to be placed in the same position as to tithes that they were placed in twelve years ago? As a landed proprietor of Ireland, he said that he would be happy if the demand upon his land were increased for the attainment of such an object. This was a mode of attaining an object that it would be otherwise difficult to accomplish. It was one to which the people of England could have no objection; and was one, he was sure, that would give satisfaction to the Roman Catholic clergy. In that shape he was confident it would be most satisfactory to them. But whatever might be the mode that Her Majesty's Government might in their wisdom deem it advisable to adopt, still he could assure them, that if they meant to preserve the tranquillity of Ireland, they would carry some such measure; or if they would not disappoint the hopes of the Catholic people of Ireland, they would not permit this Parliament to pass away without the adoption of some such measure as he now suggested to them.

Earl *Fitzwilliam* said, Her Majesty's Ministers ought to feel exceedingly grateful to the noble Lord for having pressed the subject upon them in the manner that he had done. The time was coming when they would feel that they had need of support on this question; for to introduce this subject to the notice of Parliament it was absolutely necessary that they should, after the first step which they had now taken. If they meant the step which they had taken to be an ultimate one, he had made a very wrong estimate of the abilities of those noble Lords. If they could see, as he thought they could, a long way before them, they must know perfectly well that the measure before the House must be succeeded by other measures, and, above all, by that suggested by the noble Lord. He quite agreed with the noble Earl that the proposal to pay the Roman Catholic clergy out of the Consolidated Fund was one to which it would be impossible to induce the people of England to agree. He believed also that the Roman Catholic clergy themselves would persist in refusing to accept such payment, and in his opinion they ought to do so. His idea upon that subject was very nearly, though not exactly, the same as that which the noble Earl had propounded; he agreed with him in what he had said as to the mode in which, during the last ten or twelve years, the United Parliament had dealt with the Church property of Ireland. There could be no doubt that the landlords of Ireland had had placed in their pockets a very large sum, in consequence of the arrangement made with respect to the tithe. But he was by no means sure that the clergy were the worse for that arrangement. Although the tithe had undoubtedly become lighter, strictly speaking, in point of amount, yet he was by no means sure that, because the clergy nominally received less, they received in reality a smaller or less useful income. ["Hear, hear."] He said, "less useful," because an income wrung from the very poor and humble persons from whom the tithe was derived, when levied in kind, was not an income which it was desirable that the clergy should receive in that form. That the Roman Catholic clergy must be endowed, and that they would be endowed at no very distant period, was his firm belief. On one point he differed from his

noble Friend. He thought it most desirable that the ministers of the two sects should be placed on precisely the same footing; and, although he agreed with his noble Friend that it would not require so large a sum of money to pay the Roman Catholic ministers of Ireland as it did to pay the Protestant ministers, for reasons which must be obvious to every one who knew what was the relative position of the two priesthoods, yet his opinion was, that unless they placed them on an exactly similar footing, they would never get rid of that degraded feeling which the Roman Catholic priesthood, and even the Roman Catholic laity experienced when they saw the ministers of another sect placed on a different footing—he did not mean in point of amount, but when they saw them placed on a different foundation from the ministers of their own religion. Therefore, upon that point he did not agree with his noble Friend. He believed that it was necessary, in order to the contentment of the two sects, that their ministers should be paid from the same fund, and precisely in the same manner. He knew undoubtedly that if they applied the present tithe to the payment both of the Protestants and the Roman Catholic ministers, it would not be sufficient for the purpose; and that it would be necessary either to add to the amount which was now applicable the 25 per cent, which had been deducted from the value of the tithe, or to impose upon the land of Ireland a land tax, in order to make up the deficiency which would be found to exist if they endeavoured to pay the ministers of both sects out of the funds which were now applicable only to one of them. He had thought it desirable, as this question had been mooted, thus to state the opinion which he entertained in reference to it, reserving any remarks which he might have to make on the Maynooth Bill until a future occasion.

After a few words from Lord *Campbell*,

The Earl of *Clancarty* said, he did not intend to press his Amendment.

Lord *Wharncliffe* was understood to say, that the noble Lord the Secretary for the Colonies had stated this measure to be in itself of vital importance, and that the Government were anxious to do what they could to produce a better state of feeling amongst the Roman Catholics of Ireland than at present existed. At the same, the measure was no earnest that the Government had any intention like that which the noble Lord had attributed to them. With respect to himself, he must say that he had undoubtedly on former occasions expressed it to be his opinion that the Catholic priesthood should be endowed. He and his noble Friend near him did, when they were in the House of Commons, vote for that question when proposed by Lord F. Egerton. But he would fairly state that, until he could see that the people of England would be favourable to such a measure, he did not think it would be prudent in any Government to propose it. He did look forward with hope to a time when a change would take place; but there were now so many difficulties in the way, that he did not know how any one could conceive that the Government had any intention of proposing such a measure. It would be for the Government to watch the feeling of the country on the subject; and in the meantime they proposed this measure as one which was important in itself, and as an earnest to the people of Ireland that it was their wish to do all that lay in their power to conciliate them.

The Marquess of *Breadalbane* said, notwithstanding what had fallen from the noble Lord, he hoped that the speech of the noble Earl would have the effect it ought to have. He believed the people of England had not been gulled by this measure. They looked at it not as an isolated measure, but as a getting in of the small end of the wedge, on which the large one would surely follow. They believed that the State endowment of the Roman Catholic Church in Ireland would soon follow; and therefore they looked at the question as one connected with the fundamental principles of the country, the safeguards of the liberty of the country, as established at the Revolution, and which until now it had never been attempted to invade.

On Question, That "now" stand part of the Motion? *Resolved* in the *Affirmative*: House in Committee accordingly. Bill *reported* without Amendment.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 10, 1845.

MINUTES. BILLS *Public.*—*Reported.*—Banking (Scotland).

Private.—*Reported.*—Wexford, Carlow, and Dublin Junction Railway; Kingstown and Waterford (Carlow and

Wexford) Railway Project; Kilkenny Junction Railway Project; Cambridge and Lincoln Railway; Wolverhampton Waterworks.

3°. and passed:—London and Greenwich Railway; Newcastle-upon-Tyne and North Shields Railway (Tynemouth Extension).

PETITIONS PRESENTED. By Lord Ashley, from Dorset, for Amendment of Law relating to the Rating of Tithes.—By Sir T. D. Acland, from Chetwynd, against Union of St. Asaph and Bangor.—By Mr. Gore, and Sir G. Heathcote, from an immense number of places, for Relief from Agricultural Taxation.—By Sir John Chetwode, and Mr. Divett, from Buckingham, and Devon, for Alteration of Physic and Surgery Bill.

REPEAL OF THE CORN LAWS.] Mr. *Villiers* said, that in rising to bring under the consideration of the House the Motion of which he had given notice, he was happy to feel that amidst many disadvantages under which he was labouring, that there was one circumstance that he could not but consider as favourable; namely, a sort of general admission of the propriety of this Motion being made. At least, it was acknowledged, he thought, that such was the importance of its object, and such was the necessity of some settlement of the question it involved, that it was considered proper and expedient that the opinion of this House should each year be tested upon it. This had hitherto been unworthily done by himself; and such frequent reference had been made to his resuming the task, that he really believed that many on the opposite side would, for the first time, be disappointed, if he failed in bringing forward his usual Motion. The noble Lord the Member for London had said the other night—and he agreed with him—that there could not be a more favourable moment to legislate on the subject than the present; and he was happy to learn that many Members on the opposite side now agreed with the gallant Member for Brecon (Colonel Wood), that the next time it was thought expedient to alter the Corn Law, it would be far wiser to abolish it altogether. He trusted, then, that he should, at least on this occasion, escape the charge of bringing forward an extravagant measure at an inconvenient time, as had sometimes been said; for it seemed that no party was satisfied with the present law, and most men believed that it neither ought, or could, endure much longer. It was some matter of encouragement too, for him to observe that Her Majesty's Ministers were each year getting more confidence in the principles for which he was contending, and that they now saw that nothing was gained by a timid and partial application of them. The interests assailed were not less offended by a partial disturbance of them, while the satisfaction to the public was less than if their measures were complete. He thought he saw in the House too, a preference for measures that settled great questions, rather than small disturbances of them. His Friend the Member for Gateshead had hoped to conciliate the House the other day by a very moderate measure, on the subject of bringing corn from Australia; but he did not see that he was treated with more respect, or that he had more success, than if he had proposed the measure now before the House. He thought that his noble Friend the Member for London had not received much encouragement to reproduce the measure by which he had hoped to reconcile conflicting interests; and he thought that most people would say that he would not only be justified, but would be most wise, if on this account he never moved it again. He observed also, that in other measures, whenever the Government had acted with boldness, they had received the support of the House. Even the Member for Essex had given his approbation to a total and immediate repeal of the duty on cotton; and, though he objected to the same principle being applied to the more important subject of corn, others in the House would support it. He, indeed, hardly knew now, before a Corn Law debate was over, with whom he was differing on principle. Wherever any responsibility was felt for the consequence of this law, or any disinterestedness of opinion existed, there he observed there was either some apology made for its continuance, or unqualified condemnation was given to the law altogether. There had been, in the course of this Session, two or three noble Lords, who had before supported the law, severally avow in their places—one, that he wished it had never existed; the other, that he was sorry it was now necessary; and a third, that he was not afraid of its repeal. Indeed, he really believed that if the leading Members of the Government, and those of the last Government, and the leaders of the League, were to retire into a Committee to consult on the matter, they would find that they differed very little; and if they reported the result of their deliberations to the House, the Report, if not in the language, yet in substance, would be the same as what he asked the House to agree to, namely, that it was a

law wholly unsuited to the present circumstances of the country; that it never had had a very laudable object in view; that it had been very injurious to the working classes; that the sooner it was abolished the better. If there was such a thing as the mind of the House, he should say that this was the impression that would be found upon it; but it was well known, unfortunately, that it was the vote, and not the mind of the House, that determined its legislation; and doubtless there would be yet great difficulty in repealing the Corn Laws. It was only last night, indeed, that he had heard that the Society for the Protection of Native Agriculture was yet living; and they knew that the interests and opinions that that society represented, preponderated in both Houses of Parliament: the majority in Parliament were, doubtless, in favour of the object of the Corn Law; and they were yet in doubt, perhaps, as to whether it had failed, and whether it could be yet safely or wisely maintained. With regard to this latter object, it was the purpose of that very useful body, the Anti-Corn Law League, to relieve their minds. What the purpose and object of this law was, he believed, now generally understood. It might be shortly and completely expressed as intending to make and to keep land dear. Such had been the original object, and all subsequent legislation had had this object in view; and it was curious to observe the decided character of the legislation on this subject, from the time that the proprietors of land became dominant in the State. He referred that period to the Revolution in 1688; and in that very year, when William III. accepted the Constitution, and was at the mercy of the proprietors, they began boldly to deal with the subject. In the month of May of that year, a Committee in Parliament was appointed for the simple purpose of inquiring into "the cause of a fall in rents;" and before even the Committee could make their Report, they imposed a tax upon the people to enable them to pay the costs of conveying the produce of their land to other countries, thereby raising the price at home. This they called a bounty upon exports; and this scheme lasted until the latter part of the last century, when, from the increase of the population, and the general discredit of the other tax, the most effectual way of raising the price was supposed to be in a tax imposed upon food coming into the country; and this policy has continued till the present hour—the same object of raising the value of land being always in view. Fortunately, however, though the constitution was the same, men's minds were not politically constituted as they were when the law passed. The people, in relation to their rulers, are numerically and intellectually far stronger than they were; and he did not believe that, when their opinion was strongly and clearly expressed against any grievance, it would long be maintained. This deference to opinion had been shown by the landlords on this subject, for they had spared no pains to influence opinion and delude the minds of the people on the matter; and he was bound to say that they had done so with considerable success. They had addressed themselves particularly to two classes, hoping by their concurrence to maintain the system—one were the tenants of the soil, and the other the working classes generally; and he admitted that they had, to a considerable extent, succeeded with regard to both these classes: they attempted to show that the law was necessary for their interest, and that it had generous and national objects in view. He was not sure that their task had been difficult hitherto, but he thought it would be less easy in future. They had heard this year, from the gallant Member for Sussex, a description of the farmers of the country. He had told them that they were men whose vision was so contracted, that they could hardly see more than one object at a time; that their whole attention was engrossed with the cattle that they reared, or the vegetables that they grew; and that they were apt to measure the world's affairs by the markets they got for those objects. He said he could not submit to learn from them how this country was to be governed. If this was a true picture of such men, it was not wonderful that they should be easily deceived by others, or that they had been deluded into confusing the effect of price with that of profit, and that, when they were assured that they would be secured a high price for their produce, it was the same thing as a high profit upon their capital; or that, having their eye only upon one thing, they should forget that, if there was to be a large profit obtained from the land, there would be many who would desire to

have the land, and that the land would fetch a high price in consequence. This they overlooked in their bargains, for the use of the land, and they listened to men who called themselves their friends, and who told them, that if they would send them to Parliament, they would uphold the law that would give them a good price for their produce, and resist the men who told them that if they trusted to such a a law they would be deceived; that they would pay more for the land in proportion to this promise of price, and that if the price failed them they would be ruined. However, they believed their professed friends; and Members are sitting in this House now upon no other pledge than that of keeping up the law that would keep up the price, and thereby secure, as they assured him, a high profit to the farmer on his capital. He was in a position then to-night, to call the attention of the farmers to this circumstance, and to ask them to consider who were their friends and who were their enemies, and how far their supposed enemies had been wrong in advising them not to trust to this law; for that they would only be induced by it to give a high rent for the land, without having any security for a high price for their produce, or a high profit on their outlay? The Member for Somersetshire had said, that, thanks to the League, the farmers saw things much clearer than they did before. He trusted such was the case; for it would assist him in one of the objects he had in view in bringing forward his Motion, namely, to procure for the farmer some explanation from the leaders of the Protection Society of his present condition—how he came, with so many friends, to be in his present plight. He saw the Member for North Northamptonshire in his place. He had charge, he believed, of the library of the Protection Society; he knew, therefore, probably all that was known upon the matter, and perhaps he would be good enough to explain matters a little to them: he hoped he would tell them what the real relation of the farmer was to the landlord, and how it came to pass that it was to the farmer's interest to pay dearly for the raw material out of which he was to get his profit, while the rest of mankind considered it an advantage to pay as little as possible for the things they wanted. Would the hon. Member tell them how it was for the interest of the farmer to pay a high rent for land, and for the hon. Member himself to pay a low interest for money? He could not see the difference himself. If the land to the farmer was the material on which he employed his capital, it would appear at first that his object would be to get it as cheap as possible, as requiring less outlay; money was a thing that any capitalist might also require, and all men, he believed, considered it was fortunate when they paid a low rate for its use. He assured the hon. Gentleman that it was a farmer himself who had particularly requested him to endeavour to get the Gentlemen of the Protection Society to explain this matter to the House, for they knew that the Protection Society only cared for the farmer, and had closely studied his interest. He would only venture to put the hon. Member on his guard in one respect, which was, that he was precluded from alleging two things with respect to the matter—one was, that the farmer's position was occasioned by the late measures of the Government; the other was, that the landlords were suffering as well as the farmers, or were in the same boat with the farmers. The first they could not say, because the farmer's friends in the House had all supported the measures of the Government. But what was more important was, that this condition of the farmer was no novelty; that he had frequently been in the same state; and that under each of three laws passed for his particular protection, as it was called; and, what was curious was, he had been worse off when the land was most protected. He was worse in 1836 than he was in the present year; and, though he was told then it was owing to the Whigs being in power, he remembered that he was still worse in 1822, under the law of 1815 and when the Tories were in power, than at any other time. He begins to think, therefore, that there must be something wrong in the principle of the law itself. But the other thing that the hon. Member must not say was, that the landlords were badly off as well; for he believed that which was called the landed aristocracy were never better off; that they never made more display of their wealth; that they never were spending more money than they were now in London; and he was sure that the Protection Society could not prove that they had put down a dog or a horse, or turned off a groom or a

footman, in consequence of the unparalleled distress, as they called it, of agriculture. Now, really it would be a great advantage if the protection leaders would explain the case of the farmer, and tell him and tell the House what was the matter with him, and how it came to pass that he had been so often indisposed in the same way. Lastly, whether it might not be that there was something that the landlord himself could do for him. Judging from the report of different meetings in the country, he could not help thinking that the agricultural interest, as it was called, was not altogether agreed upon this matter. He wished to call the attention of the hon. Member opposite to this subject. He had observed, in his endeavour to understand the case, that there were two kinds of meetings: one called meetings for the "Protection of Agriculture," and headed "Agricultural Distress;" and the others called "Farmers' Meetings," and held at the farmers' clubs, and where their interests were discussed. Now, he observed at these two meetings there were two very different sorts of topics broached. At the first, and where the nobility, gentry, and clergy assembled, he observed plenty of abuse of the Ministry, great complaints of protection withdrawn, threats of withdrawing confidence, and a desire that the Canada Act and the new Corn Law should be repealed, with the view to returning to the old form of restriction. But when he turned to the farmers' meetings, they seemed to be talking of something else that would set them all straight again: they seemed to be sure that they could do very well if rents were adjusted to prices, if they were rendered secure in their tenures, and if other things, like game-preserving and useless timber in their hedges, were to cease; in short, their hearts seemed to be full of something that the landlord could do for them; while the more respectable meetings—as they would be called—talked more of Ministerial treachery, and protection lost, and never alluded to their being any fault at home. I see the Member for Shropshire seems to doubt all this. Then let me give him some proof. I have a little evidence on the point. Here is a report from the Exeter Agricultural Association. The society met "for the purpose of considering the propriety of memorializing the county Members on the present depressed condition of the agricultural interest." The meeting is said to have been attended by a large body of tenant farmers—though the reporter judiciously abstains from mentioning the number—while a few squires and clergymen are specified by name. Sir R. W. Newman (in the chair) began the business by reading the excuses of the county Members for non-attendance. Wm. Porter, Esq., then opened the first fire, which was upon the county Members:—

"He did think, when they had occasion to ask their Representatives to give their strenuous support to the agricultural interest, it did look a little as if those Representatives had not given that strenuous support which they ought, and which they promised to give. [*Cheers.*] He recollected, at the last election, that many of them had come forward, and had stated certain measures which they were prepared and anxious to support; but it had been with them as it had been with many other Members, as soon as they had been elected they had ceased to recollect those measures—they had gone with their party, and had remembered only the men." [*Cheers.*]

Mr. Porter, after making several observations to this effect, concluded by moving the following resolution:—

"That this meeting, viewing with serious alarm the great depreciation in the value of agricultural produce which has taken place within the last few years, respectfully, but firmly, call upon the Members for the county to urge on the Ministers the necessity of supporting the agricultural interest, and by every means in their power to place agriculture in a better position."

This gentleman seemed to think that the fate of agriculture entirely depended on the county Members. Then J. Palk, Esq., addressed the meeting, and said—

"That, in the opinion of this meeting, land has to bear peculiar burdens (particularly the poor, highway, and county rates); and it would be a great relief to agriculture to make them a national charge."

To accomplish this truly patriotic scheme, the idea seemed to strike him that

"The landlords and tenants must act together. Day by day they must strengthen the bonds which united them. ["Hear, hear."] It was folly to say that either could exist without the other; together they must rise, or together fall. It would never do for the tenant to be distrustful; and the tenant must have full confidence in him, if they would hope to force upon the Legislature those measures which were absolutely necessary to the existence of agriculture."

This gentleman thought, that if landowners could be relieved of the liability attaching to their properties, that that would set things straight. Then followed Mr. George Turner, who formed one of the deputation of the Central Protection Society to Sir Robert Peel, and bore testimony to the delusions under which the tenant farmers brought the present Ministry into power; and he ended with this notable bit of logic:—

"He had been an extensive practical farmer for a great number of years; and he declared to them that he had never paid so much upon his estate as he had done within the last three years, and he had never received so little income. If that was not a clear case for demanding some assistance from the Legislature, he did not know what was."

Then came one Mr. Chapple, who said—

"Every man who was farming land at 20*s.* an acre at the present price was losing money. ["Hear, hear."] What, then, was to be done? It might be that the Members would say, 'Tell us what to do?' His answer to them would be—'Let them go to Sir Robert Peel, and tell him plainly that they will not support him to ruin us.'" ["Hear, hear."]

He wound up with this peremptory resolution:—

"That the secretary be directed to forward a copy of these resolutions to each of the county Members, with a request that he will use his most strenuous exertion to force on the attention of Her Majesty's Ministers the principles contained in them."

Now, at such a meeting, what was a matter was easily told; and if Members would only do their duty and speak properly to the Minister, British agriculture might be saved from ruin. He would now read what passed among farmers when they were really saying what they thought, and when they were amongst real friends. This was a meeting for a dinner given to a real friend in Herefordshire. The chairman, in giving the health of this gentleman, Mr. Powell, said that—

"This is not a meeting for any class of dependents to pay homage and respect which they do not feel, or to bend the knee to the rich aristocrat or grandee; but to show our worthy guest that his public utility, as well as his private worth, is not only felt but acknowledged by us."

Mr. Powell said, in reply—

"The farmers in general look upon the newly-formed Protection Societies with a cautious eye. You will rarely see the name of a tenant farmer attached to either of their lists; they know their own position too well. The only protection they want is to be put in a position to be able to protect themselves [*cheers*]—and this they could easily do if farms were let on leases and corn rents."

These were new ideas for the British Agricultural Protection Societies, not a whisper of which is ever uttered at the genteel, respectable meetings where more legislative protection is demanded. He would now read what occurred at a mixed sort of meeting, in which a Marquess had been in the chair, but where some farmers were present, and where one had been very bold, and had, after making very free remarks, said—

"Would the landlords help them in reality? Would they pledge themselves that they will not take advantage of improvements when they are made? Would they guarantee leases? Would they take care that the crops were not devoured by game? If so, then the landlords might come to these societies with sincerity, shake hands with the tenants, and go to help the labourer." [*Cheers.*]

Here, the reporter says, the Lord, who had long been fidgetty, became furious, declared he would leave the chair, tried to stop the farmer's remarks — which seem to have been too much to the point —and called upon the meeting to support the chair. The majority of the meeting, however, seemed more disposed to support the farmer, who said—

"He bowed to the chair; but he would add, that if landlords were sincere they should give security to their tenants. [*A voice:* 'No politics,' *and great noise.*] He was sure that all thinking people must admit that a hopeless despair was not the thing to stimulate exertion. [*More noise.*] He could not be that hypocrite to support agriculture on any other than sound and just principles." [*Cheers.*]

The noble chairman is said then to have rapidly given one or two complimentary toasts, and then made his escape, when of course all the rest of the landlords likewise departed. Now, he would read an extract again from a farmers' meeting at a place in Derbyshire, where one Mr. Binns discusses the condition of farmers:—

"Mr. Binns said, I am aware that, in most of the farmers' clubs which have been established in different parts of the country, great anxiety has been evinced by certain parties to exclude the discussion of what they call (and I believe them) 'obnoxious subjects'—such as rents, leases, and game. But somehow or

other, in almost every club of whose proceedings I have seen any account, these 'obnoxious subjects' have crept in. The farmers ought to use every effort to improve their condition, considering the diminished price of corn and cattle. If landlords would come forward when tenants were in difficulties, and say, 'We will meet your case by reducing the rent,' their struggles would meet with some alleviation. But such was not the case. Instead of meeting them with sympathy, on a tenant's complaining, the answer, in a majority of cases, was, 'If you do not like to stay on the farm you may leave it; we have plenty waiting for it.' Let the farmers then, in future, depend more upon themselves. He knew there were some landlords who acted upon the principle, 'Live and let live,' but unfortunately they were few, comparatively."

Now, from the manner in which these sentiments were received, it is manifest that all these matters were uppermost in the farmers' hearts; and they are worthy of attention as assisting us to learn what the real grievance is amongst agriculturists properly so called. He would now just refer to one more meeting convened especially, it appears, for the purpose of both parties, viz., landlords and tenants meeting on a friendly footing, but which seems to have been a failure, though in the county of Sussex, where such extraordinary unanimity is said to prevail—the hon. Member for Sussex presided; but the reporter says he could only count, including reporters and Mr. Darby, eleven persons; but one farmer among them, however, spoke to this effect:—

"No one can regret more than myself the absence of the influential men. Whether the landlords are ashamed to meet the tenants as a humble body, or whether they are afraid of hearing something that would not be palatable, I cannot say; but I can guess which works in their breast the most. The cause of their absence is, I suppose, that they consider the treatment they get on such occasions, anything but what it ought to be; but from what I hear in the market that is not astonishing, for when they attend these meetings there is nothing but recommendation of great landowners to set labourers to work, manure, drain your lands; but they omit one principal feature—they never tell tenants how they can afford to pay for it."

These meetings, which are a sample of those now occurring throughout the country, he (Mr. Villiers) thought, bore out what he had said on this point—that farmers are complaining of one thing, while the landlords are complaining of, and wanting something else. This was, however, most important to those who complained of the present system. This had induced his Friend the Member for Stockport to move for inquiry, in order to prove that agriculture was suffering from this system itself; and that freedom and not restriction in this trade—like every other—was essential to its success, which success would only be shown by the people having a plentiful supply of food. But to this the Secretary—who was appointed to meet the complaints of all sides, and who seemed to speak with the authority of one whose judgment was superior to that of other people (though he had not yet learnt on what ground)—he told them that the remedy for all this was not to talk about it; that, if his own friends would be quiet, they would not suffer; and that, if they on that side would be silent also, they would see that they would have no reason to complain, which was all very convenient, no doubt, to those who had to answer for the suffering, but not very conclusive to those who suffered. The story was, that if every body was quiet, improvement would go on, and that there would be no scarcity; but unfortunately nobody was convinced of that; and though the country gentlemen might withdraw their confidence, the public would still urge their complaint. Now, he begged to draw attention to this matter of agricultural improvement, which was to feed them all better than they had been. This was how it stood. The farmers say, "We can do nothing without leases, or security for our capital, without rents being in some way adjusted to prices, without liberty to destroy game, without being more free in many respects than we have been." The landlords say they can do nothing unless they have more protection, or unless the protection is restored to them that they used to have; they say they cannot improve, unless favour is shown to them. Well, the landlords appeal to the Government in this House about this protection, and what do they say? Why, they tell them that protection never did them any good; that they should not get back what they had lost, and that it was possible that more might be taken from them. Then the farmers ask the landlords for what they consider is necessary to make the land more productive, and their business more profitable; but the landlords say—"If you understood your business you would not ask for these things; they can't

be conceded, and there are plenty ready to take the land if you are not satisfied." And so it stands: certain things are necessary for these improvements to be made, by which more food is to be produced—according to the opinion of the only people who can give them effect—and these things have not a chance of being conceded; but they were told that, if they would hold their tongue, there would be plenty of food, and enough to meet the wants of an increasing population, owing to the vast improvements that would be made. He asked if they had any reason to expect that they should be satisfied with such a state of things? or whether they had not a right, as guardians of the interests of the public and the poor, to inquire particularly into all that affected the property of land, and to examine if there was a prospect, under present circumstances, of the community being adequately supplied with food. This inquiry had been made, and the result was, that numberless impediments exist in this country to the capital and skill that were required for the due culture of the soil being applied. Land was seen to be desired and possessed for many other reasons than that of producing food for the people. Land was valuable for pleasure, such as preserving game; for acquiring political influence by means of the franchise given to tenants at will; for acquiring consequence in a county by the estimation in which such property is held; and also for being especially made subservient to creating and perpetuating families: all of which may be very desirable objects, but they are all notoriously injurious to agriculture—all impediments in the way of progress and improvement, and opposed to what is essential to turn the land to the most account. They may answer the purpose of some owners; for tenants at will may pay better at contested elections than good crops of wheat. All these things the proprietor has naturally, under ordinary circumstances, a perfect right to do if he likes—he has a right, and should be allowed, as far as legislative interference went, to deal with or waste his property just as he likes; but let him acknowledge the same right to the industrious over their only property—namely, their labour. In one of the cases that he (Mr. Villiers) had mentioned, the importance was very great—he meant that of the mode of settling property, which was with the view to the custom of primogeniture. This led to the estate being held by the proprietor only for life: it was with the view to the eldest son being secured in the inheritance of the fee till the resettlement of the property was again made, that the existing owner was usually limited to a life interest in his estate. The importance, however, to agriculture was, that the owner being tenant for life, and having usually a large family besides the eldest, he felt little interest or inclination to lay out his income to improve the estate, feeling that he had other claims in the wants of his younger children for any money he possessed, and might be employed for improvements. In consequence of the discussion on these matters, a noble Duke, in the other House, had proposed an inquiry; and he believed a Bill had been introduced to enable the tenant for life to charge the estate with the money raised for the purpose of improvements. Still, he must be an ardent improver who would consent to pay the interest out of his life income for this purpose, though possibly, if he felt that he was increasing the value of an estate to be equally divided among his children, he would do all he could to improve the value of their inheritance. The general result of the system, however, as it was observed to exist throughout the country was, that the owner of the land was tenant for life, and the occupier was tenant at will, which were precisely the circumstances under which it was most unfavourable to good agriculture that the land should be held; and the consequence was, that there was not that skilful spirited employment of capital upon the soil, or that abundant, and certain supply of food for the people of this country that there might otherwise be. It was impossible to overrate the importance of this circumstance in the present state and progress of our population: for the whole thing would be seen through and understood far better than it ever had been before; for he asserted with confidence that the delusion under which the people had been silenced before on the subject of the Corn Laws, by means of mistaking the influence of the price of food on their condition, had, by the experience of the last two years, been completely explored. He considered that, after the official statement made by the right hon. Gentleman the other night on this subject, it was placed beyond all fu-

ture dispute that the employment of the working classes was greatly and directly affected by the amount and cost of food in the country; it was impossible, therefore, in future that working men could be deceived by the silly fallacy that their condition was benefited by food being dear. He did, then, call upon Gentlemen opposite—especially those connected with the Protection Society—to acknowledge that either they had been in error themselves on this matter, or show the House and the country that they had not been parties to practising a cruel deception on the poor; for he wanted to know how it was that they justified themselves by deliberately circulating what was so foreign to the truth? He thought it a serious charge, considering the interest they had in doing so; and he thought they should be anxious to vindicate themselves if it was possible. To assert that to make food dear by Act of Parliament by which rents were raised was an advantage to the people, was a deception practised upon the humblest, the most defenceless, the poorest of their fellow creatures, for the purpose of augmenting their own pecuniary interest. He spoke of this seriously, because it had not been lightly and casually done. It had been done coolly and purposely; and, he should suppose, at much cost. He had read the works that had been published by the Protection Society, issued with all the authority of men of rank, and wealth, and influence. He found this fallacy of dear bread improving the condition of the people, was the leading topic of all their speeches and pamphlets; and while it was endeavoured to be shown that the poor would benefit by food being dear, they sought to prove that the manufacturers had no object in injuring the working people by making trade in the great necessary free. ["Hear, hear," *from the Member for Devonshire and others.*] Was he to understand, then, that there were still some persons in that House who maintained the doctrine? Then he did deliberately call upon the Members for Devonshire and Lincolnshire, to prove in what way dear food was of advantage to the working classes. He asked them to stand forward to-night—as they ought to have done the other night—and reply to the statements of the Secretary of State, which established the fact that the employment of the people, and with it their whole well-being, depended upon, and was promoted by the abundance and cheapness of provisions. I ask them this night to vindicate the proposition which they have helped to circulate, and endeavoured to make the poor believe. They are bound—after acknowledging those views—to speak out on the subject this evening. He should watch well what they said on the subject; and the House would draw its own conclusion if they shrank when called upon from the proof of what they had said. Till they had spoken on the subject he would say no farther, and he would not make other observations which he had intended upon the conduct of persons in the highest station lending their names and authority to what he considered deceiving the poor and uninformed and unthinking portion of the people, with the full knowledge that the law that they were encouraging them to support, was subjecting them to the severest privations. He, however—knowing well that the truth was that, whenever food as the first necessary was abundant, there was an increased demand for labour, and when it became deficient, millions must become miserable—considered that too much attention could not be invited to the fact; for it would at least explain the variations which had taken place in the condition of the people before, and which might occur again. Let it only be remembered what was alleged on the other side during the period of severe distress, and when each man was taxing his brains to devise the cause for it, or rather to find an excuse other than the real one, the obvious one, the one assigned and proclaimed by the enemies of monopoly. If any one will turn to the debates, they will see that it was ascribed to machinery, to over-production, to over-population, to greedy capitalists, to joint-stock banks, to the want of emigration, and the want of reciprocity with other nations. These were the things alleged in 1842; when they on that side kept reiterating that it was owing to a deficient supply of food during four years together, and to obstructions placed by themselves on the trade with the countries from which they could draw their supplies. Now, then, let them deny the fact if they can, that all these supposed causes of distress have increased, or have not diminished of late, though the real cause, namely, scarcity of food, has, by God's blessing, been obviated; that there is

much more machinery in use now than ever; that there are more people by a million than there was; that production is much greater than it was; that joint-stock banks are as they were; that money never was more plentiful; that credit is generally good; and that there is not one State with which we had important trade at that time that has not raised its tariff since against us. How is all this to be explained? The hon. Gentleman who seconded the Address this Session, remarked upon it, and said he should like to hear it accounted for in some way. The Ministers have had an opportunity of stating their views on the subject; and what are they? They solemnly announced them to the House the other night. They ascribe it to two circumstances; one is to the great fall in the price of food; the other is to the reduction in the protective duties, and chiefly on the articles of necessary consumption. The Government of the country are asked to explain the prosperity of the country; and they proclaim that England's recent prosperity has been occasioned by an abundant supply of the necessaries of life, and to a great reduction of the protective duties that had long existed. The First Minister is jealous of any cause being referred to but that of his own legislation especially, for this purpose. We might say it was owing to the seasons, if we pleased; but he said it happened together with his attack upon protective duties, and with his object, by so doing, of reducing the cost of living. Here, then, was the authority for what we assert as to the causes of our present improvement. Here was his (Mr. Villiers') justification for calling for the repeal of the law which yet existed, to obstruct the supply of food; the plentiful supply of which the Government asserts to be essential to peace and prosperity and contentment. Now, then, if the Gentlemen opposite thought that dear food was an advantage, and made the country prosperous, they had reason, he granted, for opposing him, but they had reason also for complaining of the right hon. Gentleman; and they should settle that matter with him to-night; they should show him how he was wrong, and attempt to prove themselves in the right. He, however, had the same right to condemn the Government, with their views and experience, for not going farther, and suffering a law having the purpose and effect of the present Corn Law, to remain another day on the Statute Book. Is it, however, a debateable matter? Is it possible that we are debating about the advantage of cheap food? Have they ever given it a thought, on the other side, what depended upon it, how far all the economical arrangements of society proceed upon it? Why, the division of labour, the source of all our wealth, depends upon it. Men only devote themselves to other employments than producing food when they feel sure that food will be provided. They only produce other articles than food upon the faith that other people will have the means of consuming what they produce, but which they cease to have immediately upon those means being absorbed by something of higher importance to life than comfort or luxury. Let food become scarce, or require great sacrifice to obtain it, and the means for consuming manufactures are absorbed, and the producers of manufactures are without employment; and they must either produce food directly for themselves, or become dependent as paupers upon the property of the country. And this it is that actually occurs immediately that the customers of those who produce other things than food are withdrawn or impoverished; and in the present state of the country this is a matter of the highest importance. It is the tendency of any progressive country, that fewer people should be employed in agriculture, and more people in manufactures than in the earlier stages, so that the only vent now for our increasing population is in manufacturing employment. The time is arrived when every additional soul born in this country must look to manufacture or employment other than agriculture, for the means of living. The market for their industry is in the consumption at home and abroad: impair either, by increasing the cost of food or obstructing the trade, and you throw people out of employment. You deprive the working classes of their customers with the same effect precisely to them, as if you deprived other men of the property on which they lived. They talk glibly here of producing this effect, because they suppose that the people do not starve, having the parish to go to; but the parish is not an inexhaustible fund; and, moreover, have hon. Gentlemen ever considered what is the effect of one of those crises in manufacturing industry which is produced by injuring the market either at home or abroad—what moral as well as physical

ruin it brings, what loss of station, what temptations, what degradation are occasioned by those extreme depressions? Be assured that you are producing evils that you can never repair by your laws, when you occasion a deficiency in the supply of food. You have complete power over the people when you undertake to regulate the supply of food; you can give or take vitality from their business and their bodies by it as completely as you may from an animal in the receiver of the pump over which you have control. You may exhaust or restore life at pleasure, and that by depriving them of their employments. The right hon. Gentleman was indeed right when he said that scarcity was the greatest curse that could be inflicted upon us; what he questioned was, how far he had the right to ascribe that curse to Providence. He remembered hearing an eloquent Gentleman speaking on this matter during the scarcity, and he said that we should examine our own conduct first in the matter before we could consider ourselves qualified to blaspheme the Creator for what we called His curse upon us. Do they remember that, at the time that they were calling their distress for food a visitation of Providence, in one of the Atlantic cities a pestilence was raging, owing to the stores of provisions becoming putrid from remaining in the warehouses for want of a market; and that, had we not forbidden that food from entering our ports, we should have been properly supplied, and they would have been spared that visitation? With such laws as that which he was discussing, they should indeed pause before they ascribed their distress to anything but their own cupidity. Providence fills the earth with good things, and has endowed us with reason to enable us to obtain them. It was their own folly, then, and no want of God's beneficence, that caused us to suffer. But these things were all appreciated by the Ministers. After the speech of the right hon. Gentleman the other night, it was clear that they took the same view as he and his (Mr. Villiers') Friends did on that side, of the enormous advantages of having a regular plentiful supply of food: they differed from their Friends the Members for Lincolnshire and Devonshire, who consider that food should be restricted in its supply. But the Government are fully prepared for what must recur if again we are visited with scarcity—they are officially acquainted with what was endured, and what was apprehended, in the most populous parts of the country on the last occasion. They can hardly bring themselves to allude to what they know, for fear of shocking the feelings of that House. Then, he did ask, how they could reconcile it to themselves to suffer this moment to pass by, without taking some security against the recurrence of such evils? Why, it was the only thing in which they on his (Mr. Villiers') side differed with the Ministers about this matter—they do not deny a single principle that we maintained: they say that food ought to be abundant; that protection was an evil; that in every way you ought to open the field for commercial enterprise; that you ought to facilitate the means for manufacture; that the raw material and those which are essential for manufacture ought especially to be relieved. All this they agreed to, but they refuse to deal with the law which restricts the supply of food; for he contended that what alleviations were made in those laws were avowedly not for the purpose of relieving the distress of the people, or to increase the quantity of food — they were accompanied by arguments to show that that was not the purpose for which they were altered. There have been two alterations—one of the English Corn Law, the other of the Canada law. The right hon. Gentleman opposite did not refer the distress of the people to the Corn Law, and appeared to have in view only such an alteration as should be consistent with the interests of those for whose benefit it exists according to their own view of that interest; and the noble Lord the Secretary of the Colonies said distinctly, that whoever imagined it was his object to pass the Canada Act as a free-trade measure, or as a mode of diminishing the protection of landowners at home, would be grievously mistaken; and from all he (Mr. Villiers) had heard lately, he was not sure that he was in error. What, then, was his position in demanding now that we should proceed to legislate on this subject? The right hon. Gentleman opposite admits an annual exigency in providing for the increase of the population. Each year he says 380,000 persons are added to those that existed in the preceding year that must be fed. He tells them, also, that last year there were upwards of 1,500,000 paupers, which mean destitute persons, and that in England and Wales

only—nearly one in nine of the population; and says that there are not many more only owing to the accident of good harvests, and what he and his Colleagues have done in reducing protective duties. He (Mr. Villiers) then asked that some fresh means, some wider field should be given to our people to exchange their skill and industry for food. If nothing is done while the exigency is admitted, and the means are obvious, what will be the inference wherever it is known, but that our people are impoverished by the selfishness of our legislation, and that though we have the means of improving them in our hands, we refuse to act? That is already the impression abroad wherever our circumstances are known. British wealth, British pauperism, and British Corn Laws, whenever this country is considered by reflecting men, these are topics of discussion, and are mentioned together with wonder and reproach. There is a general belief that the riches of our aristocracy, and the poverty of millions of our people, are connected with the Corn Laws; and it brings scandal on our name wherever it is known. He asked if any thing ever occurred in these debates to disabuse the minds of foreigners on this subject? What can be more calculated to confirm their impression than the right hon. Gentleman's speech the other night, and the probable result of this debate? He wished hon. Gentlemen could hear and know what is said abroad about the British aristocracy, owing to these Corn Laws: foreigners see that no intelligent man of independence defends them, and that all experience discredits them, and that they are maintained for no one earthly purpose but that of making men richer whose wealth is enormous already. If this law is to remain unaltered after the admissions of the Ministers upon all the material points connected with their mischief, their responsibility will be enormous, and that they must expect to meet —they cannot hope to escape it. They must, in the first place, remember that they cannot repair the mischief when it occurs by merely changing the law when it suits them; and whatever happens in future from not having altered the law now, they must then be deemed fully responsible for. In the next place, if a deficiency was to occur, they must know that there are circumstances likely to make the pressure much more severe at a future time than it has been. The surplus available for our use is likely to be much less on account of the greater consumption of wheat throughout Europe; within those few years, countries have become importing countries that used to export, and the population here and abroad have much increased. At this moment, Belgium is obliged to relax her Corn Law, and all the manufacturing districts are in a state of fever at the change not being sufficient to meet their wants. A petition to the Chambers has been sent to me from Liege, representing the feeling that exists upon the subject; and I find that it echoes every sentiment and opinion that is expressed against the Corn Law in this country, and shows to what an extent already they feel the increasing wants of their population. There is hardly an evil that has been felt in this country proceeding from the disturbance of every business occasioned by a deficient supply of food, that is not pointed out in that petition, and apprehended to prevail in that country as it has here, if the restriction on the import of food is continued. In Holland, they enacted a corn law in 1834 in imitation of ours, and under the same pretence as ours—for the benefit of agriculture; and a person who had been many years in the Consul's office at Amsterdam told him that every evil in every way that had been traced to our sliding scale, had been experienced under the Corn Law that they had—that it gave general dissatisfaction—that it made food scarce, and that the price was enormously high in consequence. In parts of France they do not grow enough for their own consumption; and he had been informed that the Canada Act, passed three years ago, had only added to the uncertainty felt with respect to our market in the corn-growing countries of Europe. He should also mention another circumstance that would cause the pressure to be more severe when large importations were required, which was the Banking Act of last year. He was not going to discuss the general merits of that measure—he was not going to deny that in some respects it might make banking establishments more careful in the conduct of their business; but he did conceive that it would be the means of causing greater sacrifices to be made, and to be made more suddenly, in order to export the only commodity, namely, bullion, which it was possible to export to coun-

tries with whom we had not regular trade to procure the food we required; it would sooner and more suddenly cause that disturbance and distress in business which ended in a ruinous reduction of prices, by which manufactures alone could be exported for food. Taking all these circumstances into consideration, he did apprehend that, when a revulsion did occur from scarcity, it would be both more severe and hazardous than before. They certainly had the moment to avert it. What reason could they set against such ordinary prudence? Surely they were not to have that wretched plea of local taxation set up again this evening, as opposed to the enormous advantage consequent on the free exchange of their industry for food. Why, such a plea from the Government was quite inexcusable, with their eyes open to the evils of restricting food. In fact, that only shifts the responsibility of the law from the proprietors to the Government. They could do what they please; they have a majority for relieving themselves and their supporters if they are oppressed. If there is any injustice at present in the distribution of these local taxes, let them be borne more equally. He and others denied it altogether, and they knew opposite that they did not believe it, for they did not prove it, and they shrank from the inquiry that would ascertain it. When the Government announce that pauperism and crime are increased by dear food, what an excuse is it for the continuance of a law that makes food so very dear, that the charge for these misfortunes has to be borne to a certain extent by the property of those who have caused them? The fact was, that if the policy of making food scarce by law was abandoned, this charge upon property would be diminished. The right hon. Gentleman the Secretary of State has declared that this is the effect of the failure of the Corn Law. The remedy is therefore in their own hands; the remedy for the evil of local charges is not to spread poverty and crime throughout the country, in order to favour the property of the rich—to favour the idle and unproductive classes—moreover, the classes who, if they swarmed in the country, would never add to its wealth, deriving their livelihood from the sources they do. He did not impute that to them as a fault; they inherited their property, and did not acquire it for themselves; but they spend it usually unproductively—their expenditure is usually in consumption that has not reproduction in view. Nobody grudges it to them, nobody wishes to interfere with the disposition of property in this country; but, in the name of justice and common sense, do not sacrifice the industrious and useful to the idle and unproductive. This House does not act with the same carelessness in any other case that he knew of. What was it that had engaged so much of their time and attention this year? Why, providing for cheap and rapid communication throughout the country. Observe, first, the object had in view—the cheap transit of goods—to enable the consumer to have his goods cheap; very much to enable the produce grown at a distance to come into competition with the land, that hitherto had possessed a superior market, and to enable persons to live as well as travel cheaply. Observe the jealousy with which you regard monopoly in these cases. Where cheapness and convenience is your object, you admit competition in the first place; for you examine the merits of rival lines; and then, when you give privilege, you take security that they shall perform what they undertake; you restrict their charge, and retain a power of regulating their business. You do not trust them implicitly; you expect that they would attempt to serve themselves and neglect the public if you did: but how do you act with respect to the company that undertakes to perform the most important duty to the people and the State that can be fulfilled—to supply the markets adequately with food? Why, you do trust them implicitly; you expect that they will, of their own accord, increase the quantity at great outlay with the view to sell at the lowest price; and, when the people complain that they do as all monopolists ever have done, you have a Secretary at War who tells them to be silent, to say nothing, and that all will be well—to leave them alone, and there will be no cause to complain. Was this consistent, was it rational, or did it answer? Why, he (Mr. Villiers) told him that the experiment of leaving them alone had been made; it was made from 1834 to 1838, when nobody disturbed them; they were fully trusted, and we know the result. In the month of March, 1838, he brought this Motion forward, and he was little encouraged either in or out of the House to do so. He was told that he had better leave it alone—it did no good; and so

much to this effect had been said to him privately, that he referred to it in his speech, and he said then, "I make this observation somewhat in anticipation of that reproof usually offered to those who incur the odium of meddling with this matter—that it is introduced at an unseasonable time—that there is no excitement on the subject—that the country is in a healthy state—and that it ismischievous to moot the subject at all; reasoning which, if I comprehend, I cannot admit. I do not understand the morality or the wisdom which would postpone the consideration of a difficult question, till we are precluded from entering upon it with calmness and caution. And, with regard to the want of excitement which appears necessary to procure interest and attention for this subject, I cannot help surmising that the day is not far distant when there may be more excitement attaching to it than may be convenient to those who now complain of its absence; for I cannot admit that exceeding healthiness of the country which is urged by some as conclusive against the discussion of this matter. When I look around and observe the numbers that are now dependent on the public relief for existence; when I see a Commission now commencing its inquiry into the cause of the distress pervading 600,000 or 700,000 of our fellow subjects; when I see that funds are being raised to assist our fellow subjects to emigrate from their country; I cannot help thinking there is some great fault in our public economy." He had made these observations, then, to guard against the confident tone with which it is usual, in the absence of pressing distress, to reject all warnings of the future. He was then followed by his Friend, Sir William Molesworth, a landed proprietor, but who was opposed to the Corn Laws, and he fully admitted the apparent prosperity of that year, and even improvements that had been carried out in agriculture. He said—

"Great improvements have taken place in agriculture in Ireland. Those improvements, together with abundant harvests, have produced, to a certain extent, nearly the same effect, in extending the field of production, as if the Corn Law had been repealed; hurtful competition has in some degree abated; wages and profits have risen; and the people have been more contented and peaceable. But this effect is only of a temporary kind—population and capital will again grow up to the field of employment; hurtful competition will again take place; wages and profits will fall; and the bulk of the community will be discontented and uneasy, unless the field of employment again increase in proportion to the addition to capital and population. Repeal the Corn Law; new markets will be created. With our perpetually increasing and inexhaustible means of purchase, our importations of food from other countries might go on increasing."

This was said in 1838, and in about six months afterwards they had the melancholy satisfaction of seeing all that they had foretold verified early in the year of 1838. What followed before the end of that year is known; for before six months had expired all their predictions had been verified—all the consequences followed which must happen from depending upon the chance of one season, and the result of the harvest at home. He remembered that he was at Hamburgh at the time when the accounts came of the bad harvest in this country; and he was astonished to hear the confidence with which the distress we should have to experience was spoken of there; they had the account of all the grain then in the Baltic ports, and it was unusually small; and the price did, as they said it would, rise enormously as soon as they were informed of our harvest. There was but one feeling then, that this arose from not allowing the grower in Europe to look to England as a market. He knew of nothing that had altered the prospect of affairs since; and he was sorry to believe, that even the misery and suffering which had been seen to follow from our bad harvests, had apparently made no impression upon Gentlemen opposite. How long would they go on in this perilous course? It surely could not be contended that we were in a healthy state at this moment. There was a Bill before the House, forced upon it by the Reports officially made of the extreme destitution in parts of Scotland—a Bill to afford public relief upon a larger scale. A Report had been laid upon the Table, also, respecting Ireland, in which a most frightful picture had been drawn of the state of a large portion of that people. Surely there was distress enough to establish a case for further legislation in the direction pointed out by the Government, as being conducive to the employment of the people, and the diminution of crime and pauperism. The Government are not in a situation either to dispute the distress or the

remedy which he was pressing upon their attention. He was urging their own views; and will anybody pretend that to restrict supply of food which comes to these shores as a customer for British industry can be a mode of benefiting those who want custom for labour, and are without food? Surely it is a natural right for the people of this or of any country to have the freest access to the means of subsistence which honest industry can offer to them. Sooner or later that must be conceded. Why delay it? Was it that he asked too much? How could that be said, when two measures in different degrees of moderation had been received with as little favour as any Motion that he ever had made. The noble Lord proposed a fixed duty: he did so to meet the scruples of those who might object to this measure. How was he treated? The Member for Gateshead asked you to add a little to the stock here, by bringing grain the produce of our own Colonies at the antipodes. He was told that he ought to deal with the general question. Well, here was the general question. How are you going to deal with it? Your experience recommends you strongly to abolish the law. Your only fear could be a reduction of price here; yet how had that operated? You expected that corn would be at 56*s.*: it has been at 45*s.* You say every advantage has followed from this circumstance, even in the agricultural districts. You say that our consumption is 20,000,000 quarters, and you tell us that 10*s.* a quarter has been saved upon it. Well, that is 10,000,000 sterling paid less out of the general means for one article, and has of course left so much more to be expended on the consumption of other articles the result of British industry. How would it have been otherwise than an additional blessing, had the price been reduced sufficiently as to cause another 10,000,000 to be saved? The whole financial policy of the hon. Gentleman is founded, if he understood it, on the ground of lowering the cost of living; he expects that we shall not feel additional taxation, if provisions essential to life are cheap. Considering what the taxes are in this country, how is it possible that the cost of living can be too low? The revenue chiefly depends upon that expenditure which takes place after the first necessary of life is provided for. A short time since the right hon. Gentleman was horrified at being informed that a body of great men in the north had combined to raise the price of an essential to the poor man's comfort, by making the article scarce. He reproved them publicly in the House; he called upon them, as good citizens, to cease to employ such unhallowed means for the oppression of the poor. This he said with respect to coals. How was it that he did not apply this to corn? The poor could procure fire without coal more easily than they could get nourishment without corn? He would only add one word more, which was as to the seasonableness of the time at which he made the proposition: it was rendered so peculiarly by the lowness of the price. He had been astonished that the Home Secretary the other night—so shrewd a reasoner in this matter—should have supposed that, when the price was low in this country, the landlord wanted high protection most; why, it was the time when he wanted it least; for the low price itself then made the market so much worse for the foreigner, that the slightest addition to the difficulty of bringing the grain so far was felt. It was, therefore, precisely at such a time that such a duty as 4*s.* would operate: it might keep out all American grain just by that amount, if the price here was very low; but when the price was very high, the duty might be double that amount, and the community here might not be worse off; for the high price here, if the price was low abroad, might make it worth the foreigner's while to pay the duty. It was the difference of price here and abroad that determined the operation of a duty; when the price here was low, this country was more on a level with foreign countries, and then the distance was a great protection. Now, if the law was changed, the price might fall a little here, and rise a little abroad, and there would be but little come in; at present there was but little wanted, which is usually the case when price is low—which is another reason why great importations are not to be expected at that time—there is less occasion for them; there is less food wanted. It would now be needless for him to detain the House longer. He had urged, however deficiently, all that had occurred to him as rendering this question peculiarly deserving their attention at this time, and enough, he thought, to satisfy them of the wisdom of losing no further time in legislating on the sub-

ject. He had resorted to no declamation on the occasion, and should use none; the question had been too often mooted in this House to make any peculiar appeal to the interest favoured by this law, and who preponderate so greatly in the House, either useful or appropriate. Everything had been addressed to them by abler men that could touch their feelings of honour, honesty, justice, prudence, and humanity; and, if that was still unavailing, he was sure that he could add nothing that would have more effect. He would only say, that, if they resisted all concession now, he should regret it more than he had done at any other time, because never had the time been so fitting for the change, or would they ever in future regret more having neglected this moment so suited to the purpose. The hon. Member concluded by moving—

"That this House resolve itself into a Committee, for the purpose of considering the following Resolutions:—

"'That the Corn Law restricts the supply of food, and prevents the free exchange of the products of labour;

"'That it is, therefore, prejudicial to the welfare of the Country, especially to that of the working classes, and has proved delusive to those for whose benefit the Law was designed;

"'That it is expedient that all restrictions on Corn should be now abolished.'"

Mr. *Oswald* seconded the Motion, and said the present Corn Laws acted only as an hindrance to the industry and commercial prosperity of the country. He reminded the House of an instance in proof. In the year 1815 the Americans said, "If you don't admit our corn, we will put a high duty upon your manufactures." But he need not mention single cases; the effect in all cases was an obstruction to our national commerce. There was at present before the House a Bill for making an assessment on property for the relief of the poor in Scotland, in consequence of the great destitution prevailing among the inhabitants of that country; and he thought the Scotch people had a right to call upon the Government to make food a little cheaper, instead of enacting such a measure as that. It appeared from the evidence collected by the recent Commission of Inquiry that in the agricultural districts and in the Highlands there was a large number of people who, though they were not actually starving, were next door to it. Those who were unable to work or to do anything for themselves, received allowances varying from 2*s.* to 12*s.* a year, and were otherwise supported by their neighbours or relatives. But he thought that Government should endeavour to relieve the distress of such persons by altering the present Corn Laws, and making bread cheaper. The effect of such an assessment would be most injurious to the tenant farmers, who were sufficiently encumbered with burdens, while their landlords were so much in debt that they were unable to make any reductions of rent. The noble Lord the Member for the city of London had said that protection was the bane of agriculture; therefore he ought in consistency to be in the front ranks of free trade. He had great pleasure in seconding the Motion, and hoped the House would agree to it.

Mr. *Christopher*, in rising to oppose the Motion, should not apologize for attempting to reply to the argument of the hon. Member for Wolverhampton, though there had been nothing new adduced on the subject besides what had been urged over and over again for years. The hon. Gentleman's arguments were identical with those rehearsed so frequently at Covent Garden Theatre and elsewhere; although it was but justice to him to state that they had been put with more taste, and supported with less vituperation, than they usually were on that arena. The hon. Gentleman had urged that the present was the most auspicious moment for the adoption of his Motion; but he differed altogether from that conclusion. In his opinion, on the contrary, no consideration should, under existing circumstances, induce the House to adopt it. For not only had the general principle of protection been fully and fairly discussed and settled within the last few years—at a period when prices were high, and manufacturing distress great—but new modifications of that principle, of an enlarged and liberal nature, had been adopted by the Legislature in connexion with the subject, for the purpose of regulating the import of corn into this country. It was on that ground chiefly—but likewise on the ground that, under the existing Corn Law, all kinds of agricultural produce were at this moment afforded to the consumer at a reasonable price, that he felt bound to give his opposition to the hon. Gentleman's Motion. There were no petitions complaining of the high price of food before that House, nor of the difficulty of procuring it. He firmly believed that if the working classes were consulted on the subject, they would be found

perfectly satisfied with the Corn Law as it was at present. The hon. Gentleman had urged that protection to agriculture had a direct tendency to enhance the price of food to all classes. If he could bring himself to believe that assertion, he should be the last to oppose the Motion. But he believed that it was entirely otherwise. The object of the Corn Law as it now existed was, primarily, to afford to the consumer food at a reasonable rate, combined with a fair remuneration to the producer; it was likewise, in a secondary sense, intended to prevent those enormous fluctuations that had previously taken place in the price of corn. That it effected the two former objects he was not disposed to deny; but, whether it had effected the latter or not, one thing was certain, that under its operation there had been much less fluctuation than at any antecedent period. The Corn Law came into operation in April, 1842; but as the experience of that year could scarcely be considered a fair test, bearing in mind that agricultural matters were in a state of transition, he should take the returns of the next year and the two years succeeding as the bases of his argument. In 1843, the highest price of corn was in the first three weeks of the year, namely, 61*s.* 2*d.*, while the lowest, which occurred about the 15th of April, was 45*s.* 2*d.* In 1844, the highest was 56*s.* 3*d.*, the lowest 43*s.* 1*d.*; and, in 1845, they were respectively 45*s.* and 43*s.* 1*d.* As far, therefore, as fluctuation was concerned, the question was completely set at rest in favour of the Corn Laws. The hon. Gentleman had mentioned that the wages of labour would be increased if the Corn Law was repealed; but he (Mr. Christopher) altogether differed from that assertion. The people of this country required from some quarter or other, the home soil, or foreign countries, somewhere about 20,000,000 quarters of corn for their annual consumption. If that quantity was reduced by one-half as regarded the production of the English agriculturist, and the difference obtained from foreign countries, of course there would be a corresponding reduction effected in the rate of wages for agricultural labour in this country. Indeed, it would to a great extent be regulated by the wages of the foreign labourer. He had, however, a distinct knowledge of the fact that the labourers in the great corn-growing countries of Europe received no more on the average than 2*s.* 6*d.* or 3*s.* a week, or at that rate. Would the hon. Gentleman reduce the agricultural labourers of this country to the same amount of remuneration? That would clearly be the effect of his Motion. In fact, the landholder must either resort to that, or cease to employ labourers altogether—he would have no other alternative. A great deal had been said on the abstract principles of free trade; and he was free to admit that, if a perfect system to that effect could be established, protection either to agriculturists or manufacturers would be unjust. But there was not the slightest ground of hope that such a system of complete reciprocity could ever be established; on the contrary, every relaxation on the commercial code of this country was followed by restriction on the part of foreign countries; and in treaties, protocols, and the public press, there was a distinct aversion manifested to the admission of English manufactures. The hon. Member had stated that high wages would follow low prices. That might occur in the manufacturing operations of the country, but it could never occur in agriculture. In his own county wages were, on an average, from 12*s.* 6*d.* to 13*s.* per week when corn was 60*s.* the quarter. He had never maintained that the Corn Law could settle the price of labour; but he did maintain that, if it were wise and just to afford some protection to manufactures, the same causes, but on a higher ground, obtained in agriculture. The manufacturer could control his market by checking his operations—nay, if there was no demand for his produce, he could lock up his mill, and throw his hands upon the land for support; but the agriculturist was obliged to cultivate to the highest point possible; and, in addition to that, he was controlled by the influence of the seasons, and other causes. Under these circumstances, he maintained that, if manufacturers were protected at all, agriculture ought to be still more effectually protected; and yet hon. Members grumbled at the amount it now enjoyed, although manufactures were, in some cases, protected to the extent of 40 per cent. on their value. It had been urged by the hon. Member that the question of protection was a landlord's question alone, with which the farmer had nothing whatever to do; and, if that was once established, he admitted that no Corn Law could stand for a moment. But, notwithstanding all the agitation that prevailed on the subject about a year and a half since, it was found impossible to convince the farmers that their interest was separate from that of the landlords; and so

the agitation, begun in Chelmsford and ended in Lincoln, totally failed in its object —the separation of these two important classes upon the subject of protection. The hon. Gentleman argued that farmers would be quite indifferent to protection if they had long leases instead of tenancies at will; but how was the fact? He was intimately connected with a part of the country where long leases were the rule, and tenancies at will the exception; and he could state from his own knowledge that the system of management and agriculture in those farms held under the latter tenure was quite as good, and altogether if not more profitable in point of produce than the former were. The condition of a farmer with a long lease was not so enviable as the hon. Gentleman imagined. In Scotland, when the system of leases prevailed, nothing was more common than to put up those farms which were to be let to the highest bidder. The result was frequently that a rackrent was obtained for the land, and that the tenant, unable to pay the rent out of his produce, and unable to get rid of his holding, had to encroach ultimately upon his capital, and in many cases thereby lay the foundation for his own ruin. Where leases, on the contrary, did not exist, as in the East Riding of Yorkshire, Lincolnshire, and other parts of the country, there subsisted the best feeling between landlord and tenant; farms were let below their value in general, and bankruptcy was of rare occurrence. The hon. Gentleman had stated that the Corn Law had a tendency to cause slovenly cultivation on the part of the landholder, and had referred, as a proof of his argument, to the skill and prosperity of the people of Manchester, as compared to those of neighbouring agricultural districts. It was not difficult to find a solution of that difficulty without adopting the solution suggested on the other side of the House. Was it wonderful that persons residing in the manufacturing districts, who had 3,000*l.* or 4,000*l.* to invest, should choose that mode of investment which returned the quickest profits? In trade and manufactures they constantly saw capitals doubled, and even trebled, in a few years, while in agriculture the return was slow and small. He would, however, affirm, there was just as much skill and industry applied to the improvement of agriculture as that of the manufactures of the country; and when hon. Gentlemen talked of the grievous state in which the agriculture of this country appeared, he begged them to compare it with the state of agriculture in other countries, where there was no such protection as here, and where they enjoyed the greatest advantages of soil and climate; and the superiority of this country would be found to be remarkable. But it was impossible to introduce foreign corn at a high rate of duty under the present law, and the result of the last few years proved that to be the fact. In the year 1843, when the average rate of duty was 14*s.* 3*d.*, there were no less than 843,000 quarters of foreign wheat imported; and in 1844 the amount of foreign wheat imported was 791,385 quarters. He had not the average rate of duty imported for that year; but as the highest price of wheat was 57*s.*, the duty at that rate would be 16*s.* a quarter. He, therefore, apprehended that there was under the present law no risk of the population suffering by privation, or the manufacturers suffering from a want of markets for their goods. Upon these grounds he objected to the present Motion. He was no advocate of class legislation; and he believed that the majority in that House were determined to consider these questions with a view to the benefit of all classes; but because he believed that this Motion, if carried, would be injurious not only to the agriculturist and the manufacturer, but also to the large body of consumers in this country, he was prepared to meet the Motion by a direct negative.

Mr. *Mitchell* said, in reference to what the hon. Member who had just sat down had stated respecting the price of wages in Lincolnshire, that the reason of their being higher in that county was its vicinity to the manufacturing districts; and that the only place in Dorsetshire where labourers were well paid was Bridport, because it had trade. But to come to the Motion before the House. The first reason why he would give that Motion his most cordial support was, that it condemned emphatically the sliding scale. He thought, however, that the last alteration in the law had done more good to the consumers than either the Tariff or the Canada Corn Bill. The effect of the sliding scale had been to double the speculation in the corn trade, by adding 1*s.* in the duty, as a fluctuation to so much in the price, and to drive the most respectable merchants out of the market. He found, that under the old law, whenever the country suffered from a bad harvest, the screw was immediately put on the circulation, and the

consequence was that the manufacturers were unable to pay their bills. He found that he was himself subjected to considerable losses, on account of inability of manufacturers to meet their engagements; and he was, in consequence, obliged to engage in the corn trade, as a hedge to counterbalance his losses arising from the bad debts of the manufacturers. The fact was indisputable, that this country could not grow enough corn to meet the consumption of the inhabitants. It was absolutely necessary to import corn from abroad, and owing to the state of the trade under the present law, nearly the entire import trade in corn was confined to London. The consequence was, that every corn factor in London, without exception, advo ated the present law. The speculators were obliged, owing to the uncertain state of the market under the existing law, to have recourse in all cases to the nearest ports from which a supply could be obtained, and thus much higher prices were paid than would be necessary, if the more distant and plentiful markets could be resorted to. Parties connected with the corn trade in Prussia and the northern parts of Germany were thus enabled to make enormous fortunes, because no person could think of speculating in the more distant markets. They were obliged to go to the dearest markets, because they were the nearest markets; and it was not at the same time to be forgotten that these very countries — Prussia and Mecklenburg, for instance — were doing their very utmost to exclude English manufactures from amongst them. The consequence was, that whatever corn was got from these countries—forming as it did the greater portion of the foreign corn imported—was paid for to the last farthing in bullion. When a drain of bullion was thus created, the Bank of England put the screw on the circulation, and as it was absolutely necessary that the banks should have a command of bullion, the prices of goods were obliged to be depressed so low, that other countries became at length induced to take them. What he had described was the inevitable result of the sliding scale, and in all his experience he never saw any other effect produced by it. He had taken pains to collect information with respect to the state of the country at the present moment, and he was informed that as far as the season had gone, the crop had already experienced serious injury. The crop was, moreover, in a most backward state; and he need not remind the House of the dangers attendant on the securing of a harvest not setting in until the end of August or the beginning of September in England, and the end of September in Ireland and Scotland. The intention of the present law had been to render this country, as far as possible, independent of foreign countries for its supply of corn. Consequently but little was grown there with a view to it; and he had ascertained that there never was a period when the Continent was so thoroughly drained of corn as at the present moment. A gentleman fully acquainted with the subject, to whom he had been speaking a few days since, had told him that for every 3,000 quarters of wheat which we should attempt to procure from Germany, we should probably raise the price by one shilling; nor was this country likely to be the sole customer. He had ascertained that about six weeks ago the appearance of the crops in Belgium, Holland, and the north of France, had become unfavourable, and orders for grain had been in consequence poured into the northern parts of Europe, and he was convinced that no great quantity could be procured in those quarters. The shores of the Mediterranean did not hold out a better prospect; and as to the northern parts of Russia, there had been latterly a famine there. In fact, he did not know any part of Europe where a large quantity of corn could be procured; some might be got at Odessa; but when the great distance of that port was considered, was it likely that merchants would send their orders there, as the corn might probably arrive here at a time when the rate of duty would serve as an actual prohibition to its introduction? For the same reason they could not send their orders to the United States, where British manufactured goods would be taken in exchange, because the speculators could not tell what the state of the market might be when the corn would arrive. With symptoms of a small crop at home, and a certainty of an insufficient supply from the north of Europe, and with an increasing consumption in England, what, he asked, was likely to be the result? He did not allude to the labouring population only, but to the manufacturing and commercial classes also; and among them, he would ask, what would the result be if the screw were again put upon the circulation? What would be the effect of such a restriction under the new banking law of last Session? He was one of those who voted for that law, as he believed it to

be a most excellent measure; but still it could not be denied that it would have the effect of rendering a general pressure on trade still more painful than even it had been before. Another point which he thought had not been sufficiently adverted to in respect to the sliding scale, was its unfairness in not carrying out the very object which it professed to effect. The crop of this country for the present year at first promised to be an abundant one; but it had been since damaged. He recollected that to have been precisely the case in 1841. He saw by the regular Mark-lane price current, that in the autumn of that year the price of wheat varied from 56*s.* to 70*s.* a quarter, being a variation of no less than 14*s.* Although good English was worth the latter price, and the duty therefore, according to the intention of the framers of the law, ought to have been very low, it remained at 24*s.* 8*d.* under the old scale; and would be nearly as high under the present, because the quantity of damaged wheat in the market kept the averages low. That was an effect of the sliding scale which he had not heard adverted to, though, whenever the crops were damaged, it must inevitably take place. His decided opinion was, that any protection to any interest in this country was nothing more nor less than robbery. He would, however, in 1841, have been willing to agree to a moderate fixed duty on corn, as the best measure that had been offered up to that time. But the time for that was now gone by. It was impossible to deny that, by the late Tariff, the duty on a great many articles, into the production of which manual labour most largely entered, had been much reduced. He would allude to one, which had also been referred to in a pamphlet recently published by a distinguished Member of that House —he meant cordage, the duty on which was fixed by the Tariff at 6*l.* per ton, or 20 per cent. on its price; but this was proposed to be taken off altogether. The parties engaged in its production wanted him to interfere to prevent this; but he refused to do so, as he objected on principle to all protective duties. These parties then went to some of the authorities of the Board of Trade, and by their representations got the duty fixed at 3*l.* per ton, or 10 per cent. Now this was an article into which manual labour most largely entered, and he found that no Gentleman opposite entertained or expressed any objection to the reduction of the duty. He knew that there were only two places in the country where cordage was made by machinery, and in all other places it was the result of manual labour. Therefore, when he found that they would sacrifice every other interest into which manual labour most largely entered, he was surprised to hear them say that the chief claim that existed for the protection of agriculture arose from the large amount of labour engaged in it. He did not believe that a complete repeal of the Corn Laws at the present day would produce the same effect or alarm on the agricultural interest that it would have done three or four years ago, as during that time sound principles had rapidly progressed. He did not wish to carry any measures which would be considered of a revolutionary nature; and certainly the immediate repeal of the Corn Laws would have been considered in that light three or four years ago, and it would have produced alarm and consternation; but he did not believe that the same danger would arise now from doing so. He would now proceed to another ground. Every year, for the last five or six years, there had been an increase in the production of flax, and it was largely grown in Scotland, and above all, in the north of Ireland. During the last fifty or sixty years they had been gradually going on with protection to agriculture by means of the Corn Laws; but it so happened that flax was the only article of agricultural produce which had escaped their operation. He understood that the annual value of the flax produced in Ireland exceeded 2,000,000*l.* sterling. For several years the quantity produced had increased until the last year, when there was a deficiency; but this arose from an accidental cause, namely, because the seed was bad. Now, taking this article of agricultural produce as regarded labour, it would be found that its production employed more labour than any other article of a similar character, and yet it was not protected by the Corn Laws. The price of flax in this country varied between 30*l.* and 200*l.* a ton. Now Irish flax came into direct competition in the English market with flax the produce of the low price labour market of Russia; for there there was no duty of any kind whatever. If, then, they could successfully compete with Russian flax, the produce of cheap labour, why could they not compete with Russian corn? Let hon. Gentlemen recollect that they were enabled to obtain almost everything besides corn

cheaper here than they could elsewhere. They had the best markets for their agricultural produce, and the cheapest and best roads by which they could convey their produce to market; also the cheapest iron, coal, and clothing. And when they considered this let them reflect also on the cost of conveying corn from foreign markets to this country. It was the fashion to say that it could be shipped from the Continent to this country for 3*s*. or 4*s*. the quarter; now he did not believe that it could be shipped and conveyed here from any foreign port under 6*s*. or 7*s*. [An hon. *Member*: It will not cost nearly so much to convey it from Hamburg to Hull.] The hon. Member had evidently forgotten to charge for insurance and the risk of damage it incurred. But did the hon. Member believe that any great quantity of corn could be drawn from the immediate neighbourhood of Hamburg to this country? Where did the best portion of the wheat shipped at Hamburg come from? It came from Bohemia, and could not be brought down under 8*s*. or 10*s*. a quarter. There no doubt was some wheat grown in the neighbourhood of Hamburg, but this formed but a small portion of the wheat in that market; the charge, therefore, must be as great there as he had stated. The bulk of the wheat produced in Russia could not be sent to the ports of that country, under a charge of 7*s*., nor could the wheat of Poland be sent to Dantzic under a smaller charge. Hon. Gentlemen, then, should take into account the protection afforded them, by the great expenses attending the bringing the wheat from the place where it was produced, to the shipping places on the Continent, and from thence to this country, which together he could not on the average assume at less than 12*s*. or 15*s*. per quarter. This in itself was an enormous protection; of which none could deprive the agriculturists. Then there was another objection of the hon. Member for Lincolnshire, upon which he seemed to rely, namely, the comparison which he drew between the expense of labour on the Continent and in this country. The hon. Member complained that wages were much higher in this country than on the Continent; but did the hon. Gentleman mean to say that the value of the labour of the Russian serf, was to be compared to that of the English peasant? He would maintain, notwithstanding the apparent difference in wages in different countries, that English agricultural labour was the cheapest labour in Europe of the same description. He, therefore, would not admit this as an element of objection to the Motion. He would now proceed to tell hon. Gentlemen why the landed interest required protection. Corn was a delicate manufacture, and required the greatest care and skill in its manufacture. He believed that some improvements had taken place in agriculture; but it required may more than had hitherto been adopted. And why was this? It was because the agriculturists did not know their own business. Look to a merchant; if he was not perfectly master of his business, he could not expect to succeed. If he might speak of himself, he would observe that he had attended in his counting house, from the age of sixteen, at least six or seven hours a day. If he gave himself a holiday of a few weeks or months at a time, and if he did not constantly attend to his business, he should lose it in a very short time. Now, what was the case with a landed proprietor? He was sent to a public school in his youth, and at the age of eighteen he proceeded to the University. At the age of about twenty-one he formerly used to go what was called the grand tour; but now he went to Syria and Palestine and other distant countries, and at twenty-five he returned, and then amused himself with dancing the polka, and other similar pursuits. The truth was, that the landed proprietor did not stick to the manufacture of corn and other produce as the business of life, but considered himself above attending to the management of his own affairs. Hon. Gentlemen might depend upon it that if they wished to make the most of their estates, they should work the land themselves, or should look after the farms themselves. Landed proprietors neglected to do this; and this was the broad reason why they asked for protection. He recollected some time ago walking with an eminent West India merchant, and conversing on the state of the Colonies, and on asking the gentleman whether there was such a great want of labour in the West Indies, and whether this were the cause of the distress, he replied that there certainly was something in it; but that the real evil was, that the West Indian estates were managed by agents, and that the proprietors did not reside on them. Those landlords who chose to look after their own estates made a very good thing of it. For instance, in Scotland this was to a great

extent the case, and he understood there in the best farmed districts they did not require protection; and he understood that a great portion of the farmers in that part of the Empire were in favour of the repeal of the Corn Laws. He believed that the chief reason which induced the English landowners to object to the repeal of these laws, arose from the circumstance that they did not attend to their own interest. In conclusion, he would suggest to Gentlemen behind the Treasury bench—he would not attempt to reason with the Gentlemen on the Treasury bench, because he was satisfied that they would go to any great extent for the repeal of the Corn Laws that the Gentlemen behind them would allow—whether any of them could say that they believed that that the time would not shortly come when these laws must be repealed, and whether at present they did not shrink from meeting the question boldly, as they wished to adhere to protecton as long as they could. He would, therefore, ask those hon. Gentlemen whether they could expect to meet a violent opposition to the continuance of those laws, in case of the recurrence of a bad harvest, which would convulse the whole mercantile world, and produce such serious consequences, by the effect that would be produced in the money market? In such a case the people would demand repeal in the same way that they formerly demanded reform, and when it was found impossible to resist the popular voice. Under such circumstances the House would be obliged to give way to threats, and not yield to reason: and was it not a revolutionary doctrine to say that the Legislature would give way to threats and not to reason? Such a result, under the circumstances which he had mentioned, would be productive of the greatest possible mischief, while a change could now be effected with the greatest possible safety.

Mr. *Buck* agreed perfectly in an observation made a few nights ago by the right hon. the Vice President of the Board of Trade, that nothing could be more injurious to the agricultural interest than the constant agitation of this question. The country had again to thank the hon. Member for Wolverhampton for having brought forward this Motion; and he must say, with respect to the speech of the hon. Member, that more fallacious opinions on a great subject he had never heard in an enlightened assembly. He was sure in one respect his constituents felt grateful to the noble Lord the Member for the city of London for having brought forward his Resolutions the other evening; for the result had been that an individual who had hitherto supported the party of Gentlemen opposite, had declared, at a public meeting in Devonshire, that all connected with the agricultural interest should throw aside all differences of opinion on other subjects, and join in maintaining the present system. For the twelve years during which the late Government were in office they heard little or nothing with respect to the repeal of the Corn Laws; but almost immediately the present Government came into office, agitation was got up on the subject, and although the right hon. Baronet had by his measures materially reduced the price of a great many articles, yet hardly a night had passed for some considerable time, in which some notice or other affecting the agricultural interest was not placed on the Paper. Let them recollect what had been done in the last two or three Sessions. They had had the new Corn Bill, the Tariff, the Canada Corn Bill, and the Tariff of the present Session. They had also had the Income Tax; and, as his hon. Friend the Member for Somersetshire had shown, there had been a great increase in the indirect taxation of the country during the last two or three Sessions. Then there was a cry that there was a want of energy on the part of the agriculturists, and that they did not act like the manufacturers. He denied that the comparison was fair between the agriculturists and the manufacturers, or that there was any want of energy or aversion from improvement on the part of the former; but that interest felt that it w as an imperative duty on their part to employ the labour of those around them, and the only means of employment depended on the cultivation of the soil. He would venture to say that lately hardly a shilling's worth of agricultural produce had been raised, in which tenpence in the payment of labour had not been expended. He believed that this country could produce sufficient corn to supply all the wants of the people, provided that there was due encouragement and protection. In consequence of the low prices during the last two or three seasons, he had reason to believe that many farmers had paid their taxes out of their capital, instead of from the sale of their produce. He need

hardly say that he intended to vote with his hon. Friend the Member for Lincolnshire, and give a decided negative to this Motion; and in doing so, he knew that he only followed the wishes of his constituents, in offering every opposition to any measure which would destroy the agricultural interest in this country, the upholding of which he believed to be essential to the best interests and to the well-being of all classes in the country.

Mr. *M. Philips* said, that the hon. Member for Lincolnshire had stated that the manufacturers, whenever they pleased, got rid of their labourers, and threw them back on the agricultural districts. Now, the hon. Member, in asserting this, had drawn a most mistaken opinion from some source or other. He could tell him, that if there was one interest more than another which was identified with the working classes, it was the owners of machinery in mills, and that they were tied down to employ them as much as they possibly could; for if for one moment they suspended the operation of their mills, they lost their connexion, which, if once lost to a manufacturer, it was not easily regained, as by the farmer, who could always take samples of his produce to market, and had not to depend almost on the same miller to purchase from him. He believed that no individuals suffered so much from the suspension of operations as the owners of machinery in mills. If they did not keep it in almost constant work it got out of order; and it was hardly possible to calculate the expense of putting it in repair again when the work was renewed. He merely wished to set the hon. Member right on this point, and he would not trouble the House by going further into this part of the subject. The hon. Member seemed to think that nothing could be easier than for manufacturers to expend money in the purchase of land for cultivation, in the neighbourhood of the towns with which they were connected, so that they might become practically acquainted with the necessity for agricultural protection. Now, the hon. Member forgot that there were many impediments in the way of this—for instance, the law of primogeniture, by which so much land was locked up, and the numerous impediments in the transference of landed property. He thought, however, that it was desirable that manufacturers, wherever they had the opportunity, should purchase landed property, and that they should, by the application of similar enterprise and skill which they manifested in their manufactures, carry out improvements in the cultivation of the land, and by doing so, they would produce the greatest good to the community. He believed that if the agricultural and manufacturing interests could be blended more together, that it would be most beneficial to every class of society. It had often been urged by the Corn Law League that the members of it should purchase small freeholds. Now, he had always expressed an opinion that those who had the means should purchase large farms and endeavour to adopt every practicable improvement in their cultivation. He confessed that he thought the agricultural interest was rather lax in its attention to the adoption of improvements in the cultivation of the soil, as they left so much to the farmers. With respect to agriculture, it must be known to hon. Gentlemen that it often happened that the owners of enormous estates had it not in their power to give any encouragement to good tenants, or hold out inducements to improvement, as all stood still in their vast domains, because their owners were tied down, as they had lived beyond their means. But were the people to starve—for they were increasing at the rate of between 300,000 and 400,000 a year—until a few men chose to become more prudent, and live within their incomes? The hon. Member for Bridport had pointed out most strikingly the disastrous effects that were produced on all classes by the withdrawal of bullion from this country in years of scarcity, through the operation of the Corn Laws; and he therefore need hardly do more on this point than say that he could confirm every part of the statement of the hon. Gentleman. The hon. Member for Lincolnshire talked of the rapid fortunes made by some of his (Mr. Philips') constituents. There was, however, considerable exaggeration in that statement; and he could state, without fear of contradiction, that he did not believe that there was one of his constituents who sent produce into a foreign market, and brought back corn as the article in exchange, although this was the chief article which they should look to. Was this a fair state of things, when they had to leave it to third parties to obtain the chief article of consumption? This was

an important practical difficulty, with which the manufacturers had to contend. He had no wish to argue the question as a party question, as he was anxious to bind all interests together. The time had come when the policy of the country was decidedly in favour of free trade, and within a short period the result of the harvest would be known and would probably agitate the manufactures and commerce ofthe country to such an extent that these laws would be at once swept away. Sooner or later they must decide this important question, and the weal or woe of all classes depended on its being settled without delay. He believed that the best interests of all classes was involved in their taking a sound view of this subject, and by doing away with all protection, and allowing the free exercise of competition as regarded both the agricultural and manufacturing interests. On these grounds he should, as he had done on all previous occasions when the subject was before the House, give his cordial support to the Motion.

Sir *J. Graham :* Sir, the allusions which were made to me by the hon. Member for Wolverhampton, in the course of the speech which he has addressed to the House, were so frequent and so pointed that, however reluctant I may be to trespass upon your attention, I cannot but think it my duty to offer some observations to the House on the important subject now under discussion. Sir, in the course of the many years which I have occupied a seat in this House it has been my duty so frequently to speak upon this subject that I entirely despair of adducing any new arguments, or thowing any new light or illustration upon a matter which has been so often debated, and upon which I have stated my opinion to the best of my judgment. I entirely concur in many of the observations of the hon. Member for Manchester, who last addressed the House. I am as anxious as he is that this important question—for I agree with him that for the weal or the woe of the country a more important question cannot be discussed and cannot be decided—I agree with him in his earnest desire that our decison should not rest upon a vague desire of promoting any one interest in this country; but that our decision should be guided by a desire to promote the common interests of all classes — to promote the interests of the entire community. And, Sir, I shall not on account of any personal difficulty shrink from again repeating, on the present occasion, all those principles which, on former occasions, I have publicly avowed —the general principles to which the ber for Member for Wolverhampton has referred. It is decidedly my opinion that the prosperity of agriculture must always depend on the prosperity of the other branches of the native industry of this country, and that the public prosperity is on the whole best promoted by giving a fair and uninterrupted current to the natural flow of national industry. I will go further and say, that it is my opinion that, by safe, gradual, and cautious measures, it is expedient to bring our laws with reference to the trade in corn into a nearer relation with the sound principles which regulate our commercial policy with respect to every other branch of industry. I will go still further, and say, I am not satisfied with the plan, and can be no party to it, of setting up a separate interest for the landlord and the farmer of this country; I believe, that their prosperity will, in the main, be found to depend on the wealth, the comfort, and the ease of the great body of the people of this country. Now, Sir, having made this declaration, I am about to state, that it is my opinion, unshaken and unaltered, that suddenly—for that is the proposition which we are now discussing — that suddenly, and at once, to throw open the trade in corn in this country, is utterly inconsistent with the well-being of the community; for it would give such a shock to that great interest—the agricultural interest—as could not fail of injuring all the other interests of the Empire. In the first place, I would wish to advert to the observations made by the hon. Member for Wolverhampton, that two-thirds of the people of this country are otherwise employed than in raising food. I beg, Sir, altogether to dissent from that observation; and in arguing this question I always observe, that one-third of the community of the United Kingdom is never carried into the calculation of those hon. Gentlemen, who seek to exalt the manufacturing interest as contrasted with the agricultural interest. The sole produce of Ireland, containing a population of 8,000,000, is agricultural. Their sole occupation is the raising of food; their only means of subsistence depends on the demand for that article, which is the only article of produce which they are able to raise; and if you bring Ireland

into account, to say that two-thirds of the population of the United Kingdom is employed in industry other than agricultural—with all respect for the statistical knowledge and general accuracy of the hon. Gentleman—is a statement resting on misapprehension. I will also correct another error into which the hon. Gentlemen fell, while it is fresh in my recollection. I stated on a former evening, that which I shall not hesitate again to state, that, without distinction of party, for the last twenty years the object of succeeding Governments has been, first, to substitute protective for prohibitory duties; and, again, when protective duties have been imposed, gradually and progressively to relax the extent of that protection. And, Sir, the protection given to agriculture is not an exception to the general rule. What was the object of the law of 1828? It was a decided relaxation and diminution of the protection given by the Corn Law of 1815. The hon. Gentleman has stated that avowedly it was not the object of the new Corn Law to diminish the extent of the protection given to the agricultural interest. Now, Sir, it is a matter of real importance that this should be properly understood. I have stated the principle by which not only the present but former Governments have been guided. I entirely approve of that principle, and I am satisfied that it is the principle upon which the policy of my right hon. Friend now at the head of the Government is wisely founded. And the Corn Law and the alteration made in the Corn Law in 1842, is no exception to the policy which I have mentioned. The assertion of the hon. Gentleman is, that avowedly it was not the object of the Corn Law of 1842 to diminish the protection given to the agricultural interest. I am now about to read to the House the words used by my right hon. Friend, on the 9th of February, 1842, when he introduced his plan to the notice of the House for altering the Corn Laws, and introduced the measure which we are now discussing. My right hon. Friend said:—

"It is impossible to deny, on comparing the duty which I propose, with that which exists at present, that it will cause a very considerable decrease of the protection which the present duty affords to the home grower, a decrease, however, which, in my opinion, can be made consistently with justice to all the interests concerned. If the agriculturist fairly compares the nominal amount of duty which exists at present with that which I propose, he must perceive that he will still be adequately protected, notwithstanding that the reduction which I propose is considerable. I certainly feel bound to say, that I think the agricultural interests of the country can afford to part with a portion of the protection they now receive, and that it is only just that that protection should be diminished."

I might go much further. My right hon. Friend lays down in that speech the principles, both with reference to protection and the object of protection, to which I adhere; but I have quoted enough to show how inaccurate is the statement of the hon. Member for Wolverhampton, that avowedly the object of the alteration of the Corn Law, as modified in the year 1842, was not to diminish the protection which the former law had given to agriculture. Now, Sir, the hon. Member for Wolverhampton has traced the origin of this protection, and has traced it with great historical accuracy. He states, truly, that it bears date from, I believe, the accession of William III., at the time of the Revolution. At that time this country was not an importing country; but the avowed policy of the great men of that day, who presided over the administration of the affairs of this kingdom, their avowed policy was to give encouragement to native industry, and to make this country as independent as possible of foreign supply, in cases of emergency, arising from deficient seasons; and at that time there was a bounty on exportation. The policy of bounties remained, as has been accurately stated by the hon. Gentleman, from the year 1688 until about the year 1760. At that period, circumstances being altered, the population increasing, and the position of the country, with reference to the export of corn having materially varied, the policy still remained the same. It was considered an object of paramount importance to keep this country, with its increasing population, independent, in ordinary years, of foreign supply. I must say that, although I do not pretend to rely so much, in matters of this kind, on the experience even of the greatest men in past times, freely admitting that experience and discussion, and enlarged sources of knowledge, do throw great additional light on matters of this description; yet, I do say, that the highest authorities, throughout a century and a half have concurred in maintaining this policy as an object of paramount import-

ance. The House will remember the admirable observations written by one of the wisest men who best understood all subjects connected with the policy of this country—I mean the reflections of Mr. Burke with reference to the causes of scarcity. Even looking at that publication now, with all the lights of enlarged experience, and a more minute knowledge of the subject, still I think that that publication will bear the test of the strictest scrutiny; and in that essay there is a passage, recommending this policy which, as I have cited it before, I will not weary the House by further alluding to. But, in the first of all authorities on political sciences—I allude to the authority of Adam Smith—there is a passage in which he distinctly points out that of all the sources of industry the most productive, the one most conducive to our national wealth and our national greatness, and the one to be regarded (if the various interests are to be weighed in the balance) as superior to all others, is the agricultural interest, in reference to its bearing on the wealth, the independence, and the happiness of the country at large. I say the policy which has been steadily pursued—which is sustained by such great authorities—which has obtained in this country for a century and a half, is a policy not hastily to be laid aside. The hon. Member for Wolverhampton spoke of the delusion which prevailed on this subject. The hon. Member will pardon me for saying that I conceive there can be no delusion greater than that which holds out to the expectations of the people of this country the hope that by an entire repeal of the Corn Laws in a series of years they would be the gainers either in the price of food—of bread, the first necessary of life—or in wages. I think it was truly observed by the hon. Member for Bridport, who addressed the House with great ability, that the price of grain has very little to do in any particular year with the rate of wages. I admit this proposition, so limited, to a single year; but I contend, in common with the greatest authority on the subject—I allude to Mr. Locke—that in a long series of year the price of bread corn will materially affect, if not regulate, the rate of wages. But the rate of wages is decided like the price of any other commodity, by the demand for that article and by the supply; and of course with our rapidly increasing population the supply of labour has a tendency to outstrip the demand. The hon. Member for Wolverhampton observed that it was a disgrace to our country that there should be so much pauperism; but he must bear in mind the unexampled artificial state in which we live. In these narrow islands there are 24,000,000 of individuals, and the competition for employment is therefore intense. But in dealing with such an artificial state of society, and looking at the difficulties to which I have adverted, and which he brought most prominently to our notice, I say you must use the utmost caution in touching any source of demand for labour so great and so general as the demand for agricultural labour. Sir, I am also prepared to combat the doctrine, that under the present system of protection, agricultural improvement to an immense and astonishing extent has not taken place. I contend, and I believe the fact is indisputable, that notwithstanding the doubling of the population within the last half century, the supply of food is, at this moment, more easily obtained in Great Britain and Ireland than it was at the former period for the whole of the inhabitants of these two islands. Sir, I speak from a personal knowledge of the county and the neighbourhood with which I am connected; and even in my own memory that county, which thirty years ago did not produce sufficient food for the maintenance of its own inhabitants, by enclosures, by improvements, and by successful industry, now exports largely in aid of the manufacturing population. I will state what I myself personally know with respect to enclosures. I remember a common which, in the year 1816, was covered with heath, over which I have myself sported, and on it I have shot moor game. I hope I shall not sink in the estimation of hon. Members, for having been a sportsman; for I see many first-rate free-traders who enjoy this amusement; and the hon. Member for Sheffield has sported upon the same ground, or upon ground immediately adjacent. I say in the year 1816, I knew of this common, which happened to be on a manor of my own, although I have no interest in it now. I received a small allotment of the common when it was divided; but I now no longer possess any portion of it. In the year 1816, about 2,000 acres were enclosed. The land was of a most inferior quality, and an outlay of about 6,000*l.* was made upon that enclosure. At the time

it was enclosed, the annual rental did not exceed 88*l.* In consequence of that outlay of 6,000*l.* the improvement of the common has been so great that in the year 1840 the value of the gross produce amounted to between 2,000*l.* and 3,000*l.* Deducting the prime cost expended in improving the enclosure, and taking twenty-five years' purchase as the value in 1816 at 88*l.* a year, and contrasting that with twenty-five years' purchase now at the value of 900*l.* or 1,000*l.* a year, which would be the rental, after deducting two thirds for wages, interest of capital, and other outgoings, it will be found that upon that single transaction there has been added to the productive wealth and means of the country in that narrow sphere of 1800 acres of land, a capital that may be represented by at least 20,000*l.* So far with respect to the value. Now, how is this land occupied? Of course before it was enclosed it was uninhabited. But what is the position of affairs there now? This is not a possession held by great landowners; it is all held by little freeholders. There are nine freehold houses upon it, and eleven cottages; and in the year 1840 there was a population of 120 persons, living in ease and comfort upon this land, which was unoccupied and uncultivated twenty-five years ago. This is an illustration of what has occurred under the system which has been so much condemned. I say, not only has the population but the wealth of that district increased to an enormous extent; and the comfort of that portion of the population which occupies small tenements of this description has been equally augmented. Sir, the hon. Gentleman has referred to the doctrine which has been advocated — that protection is necessary on account of local burdens. When that subject was mentioned it was received with derision by Gentlemen on the opposite side of the House. I am glad to see the noble Lord the Member for the city of London now present, because I am sure he will not deride that doctrine of local burdens. On the contrary, he is still the advocate for a fixed duty, as a protecting duty; and although he has somewhat repented of his offer of 8*s.* a quarter, still he feels that a protecting duty is necessary, and although he has not defined it, he intimates that it might probably be 5*s.* or 6*s.*; and the noble Lord says—

"I think that if a moderate fixed duty were imposed, and the present high protection reduced, it would be most reasonable, simultaneously with such a reduction, to alter the Law of Settlement."

And the noble Lord also says—

"The present Law of Settlement is most disadvantageous to the rural districts—that residence in the manufacturing districts should confer a settlement, and that there should be no power of removing to the Agricultural districts."

The noble Lord does not define the extent of the peculiar burdens; but he admits them, and proposes to meet them by a protecting duty. Sir, as the hon. Member for Wolverhampton says, and says truly, an abundant supply of food for the labouring population is after all a matter of paramount legislative importance. I admit that, and the point at issue is what system of law will in a series of years yield with the greatest certainty this abundant supply of food to this large population. If the hon. Member for Wolverhampton will show me that the supply can best be procured by a system of importing corn free of all duty, I will at once confess that I am an advocate for open ports and an unrestricted trade. I am not attached to a 4*s.* duty, because as a protection I think it would be quite inadequate to its object. Then the question arises, will you retain the present system, or will you adopt the principle of a free trade in corn? I must say that I believe the quantity of corn which would be introduced with open ports by importation from abroad has been understated by hon. Members opposite. Great reliance may be placed upon the opinion of such a person as Mr. Tooke; and in 1838 he took the amount of probable import of wheat from foreign ports, under a system of free trade, to be about 2,000,000 quarters, for which we should pay on the average 45*s.* per quarter. I will assume that on account of the lower price there would be an increased demand; 16,000,000 quarters is estimated to be the present average annual consumption of wheat in the United Kingdom; but for the sake of argument let us suppose that one-eighth of the 16,000,000 quarters now grown in this country would be displaced by foreign supply, and I will ask the House to consider what the effect would be, and what land would be thrown out of cultivation? Clearly the land which is most costly in its cultivation for growing wheat would be the first thrown out of aration; and that is the land which requires the greatest quantity of

manual labour. With reference to the demand for labour, I cannot conceive — if such were to be the immediate and sudden effect—anything more disastrous. The hon. Member for Wolverhampton said that it was impossible any injury could be greater than a sudden impediment to manufacturing industry; but I do not believe that so large a number of persons can be reduced from comparative comfort to indigence and destitution from any other cause as by the sudden displacement of so large a quantity of labour employed in producing wheat. The whole of our legislation for the last forty or fifty years has contemplated the difficulties that would attend such a displacement. Some observations were made in the course of the evening on a point which I am about to touch. The noble Lord the Member for London had introduced a measure with reference to tithes, and a most excellent measure it was, and highly conducive to the progress of agriculture. By that measure there was permanently attached a rent charge, calculated upon the basis of the past produce of the land. The most ancient land in England under cultivation was the very land of which he was speaking, and there was fixed upon it in perpetuity a rent charge. Let them remember that the land which was cultivated for the produce of wheat must be turned in the case supposed to the growth of grass. As grass land its produce would be of a most inferior description; and if thrown out of cultivation, the tithe fixed upon it in perpetuity would more than exhaust all the rental. I mention this as an illustration of the caution with which you ought to proceed in this matter. The noble Member for the city of London (Lord J. Russell) proposed, a short time ago, Resolutions on this subject, which, taken as premises, were almost identical with the First Resolution of the hon. Member for Wolverhampton. The premises were the same, but the conclusions were widely different. The noble Lord said that it is necessary to proceed with the utmost caution in making any change on this subject; he intimated that, in his opinion, the well-being of society requires not only cautious, but gradual progress towards an entire system of free trade: while the hon. Member for Wolverhampton proposes an immediate and entire change by throwing open our ports. I agree with the noble Lord in all the reasons he urged last year against the sudden and immediate change now proposed by the hon. Member for Wolverhampton. I have stated, that, in my opinion, such a change would excite well-grounded apprehension and fear; but in addition to that apprehension, the groundless panic which would prevail among the landlords and farmers, the employers and the labourers immediately connected with agriculture, would be such as to give a severe shock to the peace and the best interests of the community. As a consequence of such panic — as an immediate effect of its operation on such powerful and numerous classes—there would be a general suspension of the demand for labour. It may be said, that in a short time other branches of industry would absorb the labour so displaced; but I say again, that in a state of society so artificial as that in which we live, if you can suppose 500,000 or 800,000 persons suddenly thrown out of employment, there is no doubt that the whole machine—artificially constructed as it is—would come to a stand still, and that destitution, despair, and pauperism, would be the consequences of such a convulsive shock. The noble Lord (Lord J. Russell) stated last year, as I think most truly, in opposition to the Motion of the hon. Member for Wolverhampton, that, in addition to panic and suspension of employment, its effect would be to create a glut in the supply of corn, when, from the cessation of employment, there would be a diminished demand. I am unwilling to detain the House by going through the various other arguments against a sudden change of this nature, which I have so often brought under its notice. In discussing the Resolutions of the noble Lord opposite (Lord J, Russell), I stated what I considered to be the responsibilities of the Government, especially on this particular subject. I do not shrink from avowing that responsibility. I feel its full weight. But, I repeat, I am persuaded on the whole, that by the improvement of land—by the capital progressively devoted to its better cultivation, and by the skill applied to its management, a more sure and certain supply of food can be provided, even for an increased population, in a series of years, than by any other means. The hon. Member for Wolverhampton has condemned the system of past protection; but with reference to the future, the facts he discloses are not to be overlooked. He tells us that France is rapidly becoming a more

and more importing country; that Belgium has followed our example, and protects her corn. If I mistake not, Bavaria and several of the Rhenish provinces have placed an export duty upon their corn, progressively increasing as the price of corn rises. It was stated by the hon. Member for Wolverhampton himself, that in consequence of the transition which has taken place in many of the corn-growing districts of Europe, from the condition of purely agricultural to that of mixed manufacturing countries, the consumption of corn is increasing, while the means of exporting are proportionally diminishing. The hon. Member shows you that your means of obtaining a supply of corn from Europe are gradually but progressively decreasing. Now, suppose the policy of that hon. Member were adopted, and that year by year we became dependent for a supply of 2,000,000 quarters of corn—even in seasons when there was no dearth—upon foreign countries. I believe the largest importation of foreign corn into this country ever known fell short of 3,000,000 quarters; and the effect of that demand in this country was to raise the price of corn throughout Europe, I think, nearly 100 per cent. Now, if we uniformly imported 2,000,000 quarters, we must still remain dependent in a great degree upon our home supply of corn to the extent of at least three-fourths of our whole consumption, and we should remain subject to variations of seasons and bad harvests. Suppose 2,000,000 quarters be your annual supply, you would have to meet bad harvests by a great increase of that supply, or your population must be reduced to a state of want and destitution. Now, your usual supply being 2,000,000 quarters annually, if it were necessary that you should import 2,000,000 quarters more, on account of dearth, where is your security arising from an uniform steady demand on the Continent, for a sure supply to meet your wants? With regard to a fixed duty, if you impose a high duty, in years of scarcity you prevent the importation of corn when you most require it; if you adopt a low duty, I must—notwithstanding what fell from the hon. Member for Wolverhampton—maintain my opinion that it would be no protection whatever. Now, I admit that the success or failure of the present law cannot be tested till we have a bad harvest; and I admit that, since that law was adopted, the seasons have, on the whole, been good. But, under this law, in 1843, 800,000 quarters of foreign wheat were imported into England, and in 1844 the imports were 700,000 quarters. Even during the present year, at low prices not ranging above 48*s.* a quarter, 60,000 quarters of foreign corn have been imported into this country in one week; and, with reference to barley, I stated before, and I repeat now, that it is impossible for any law to have worked more satisfactorily than the present with regard to barley. In the course of the present year, at least from April, 1844, to April, 1845, the amount of barley imported into this country was 1,200,000 quarters; and almost in every week the quantity brought into consumption has equalled the quantity imported. There has been a considerable duty levied upon barley, and at the same time the price to the consumer has averaged from 32*s.* to 33*s.* per quarter. I have admitted that the seasons have been favourable; but still, in 1843, when 800,000 quarters of wheat were imported, the average price of wheat to the consumer did not exceed 51*s.* a quarter; and in 1844, when 720,000 quarters were imported, the average price was 50*s.* a quarter; and since the last harvest the price has not exceeded 48*s.* If in 1843, when corn was imported into this country to the extent of 800,000 quarters, and in the next year, 1844, when 700,000 quarters were imported, the price only varied from 48*s.* to 50*s.* per quarter, the inference is just that with respect to steadiness of price the measure has been attended with great success; and steadiness of price is rightly stated by the hon. Member himself to be an object of the first importance. The hon. Member says he believes the alteration he proposes would give a less shock in respect to prices than was anticipated; and yet he admitted in a later part of his speech, that the change he proposed might have the effect of lowering prices much more than he himself hoped or expected. He assumed that the price of corn might be brought as low as perhaps 35*s.* per quarter. But if the House should agree to such a proposal, and the consequence should be a fall of price to the level of 35*s.* a quarter, is there not just reason to fear that the effect of such a depression of the price of produce upon those employed in agriculture, both in England and Ireland, would be fearful in the extreme? To any such change as this, I therefore am opposed, since, contrary to

the expectations of the hon. Member, I anticipate the most disastrous consequences to the agricultural portion of society; and these fatal consequences must certainly, though, perhaps, indirectly, affect in the end the manufacturing interests of the country, and produce evils not anticipated by the commercial and manufacturing interests, whose welfare it is now attempted to promote without the consideration due to the agriculture of the United Kingdom, which is, after all, the staple of our national industry.

Mr. *Villiers* explained: He had not expressed his opinion as to the price which a repeal of the Corn Law would produce, but he said that as the right hon. Baronet opposite had a few nights ago spoken of the advantage of an average of 45*s.* per quarter, would not greater advantages on that principle be derivable from the average of 35*s.* per quarter?

Mr. *Bright* said, that from recent discussions both in that House and elsewhere, he could form but one conclusion as to the maintenance of protection. To a portion of the right hon. Gentleman's speech he gave his cordial assent; but he was at a loss to know whether another portion of it was intended to afford hope to his side of the House, or consolation to the other. The right hon. Baronet appeared, during the delivery of his speech, to have been endeavouring to say one thing at one portion of it, and to unsay it at another portion; so that it would have been impossible for any Member of that House, if he were not acquainted with the right hon. Baronet's opinions from former speeches and previous passages in his life, to ascertain to which side of the question he was most inclined to lean. The right hon. Baronet said, that the change in the Corn Laws ought to be gradual and easy—that they ought gradually to diminish protection, and advance towards free trade by bringing corn into a nearer relation with other articles which the Government had already interfered with; and after that he proceeded to show that, if there were any alteration made, it must amount to a repeal of the Corn Laws. He showed with great force that the opinions of the noble Lord the Member for London were utterly untenable, and he would have said absurd, but that, from the noble Lord's ability and acquaintance with public life, it was impossible he could apply that term with perfect appropriateness to any opinion of the noble Lord's. The right hon. Baronet, however, observed that there existed no arguments in favour of a fixed duty; so that having repudiated a fixed duty, and demonstrated that the next change in the Corn Laws should be repeal, he then fell back upon the fallacies of some of the supporters of the Government in that House (with which fallacies the right hon. Baronet notoriously did not agree); and he went on to speak as if he really thought that the statement of placing this country in dependence on foreigners for corn had really any weight. There was a note of exclamation from that the Opposition side of the House, when the right hon. Baronet referred to that argument; for they supposed that they would never have heard such an argument at this time of day, and from the Secretary of State for the Home Department, who had such long experience in Parliamentary life. They were astonished when they heard such an argument brought forward by a member of a Government whose policy had been characterized by such advances towards free trade, and whose principles were avowedly based on a gradual and steady approach towards that consummation. The right hon. Baronet, when he stated that they ought not suddenly to shock the agricultural interest, reminded him of something which he had seen in that clever paper *Punch*. It was an advice from an old lady to a young lady who had been recently married, and it recommended the young lady, in order to obtain a complete mastery over her husband, to cultivate her nerves. It appeared that the right hon. Baronet took a similar view of this question with that which the old lady took of matrimony — he encouraged the agriculturists to be sensitive, to be shrinking, to be afraid to be touched, and then he used that sensibility as an argument against the advocates of free trade in corn; and stated, that in consequence of it the present system of Corn Laws was not to be touched, although it starved thousands of the population of the country. The right hon. Baronet had asked the advocates of free trade in that House for some proof that free trade would give more food to the people; and he said that he felt with great force the responsibility of the question put to him, whether he, as a Minister of the Crown, would retain in existence a law which restricted the supply of food to a population which was increasing at the rate of 400,000 every year. Did the right hon. Baronet want any proof to convince him

that the true source of a certain and unfailing abundance of supply in the article of corn was to permit the laws of nature to take their course with respect to it, and to repeal at once those restrictive laws which ignorant men had made in direct contradiction to the laws of nature? If the right hon. Baronet did not know that, then he must have studied the condition of this nation to little purpose indeed. How were the people of this great city fed? Here was a population of two millions, and during the last few weeks there was an addition of two or three hundred thousand persons to it, and all those individuals were supplied with provisions every day without the intervention of a Secretary of State, and without inconvenience or uncertainty. In the street in which he lived he was delighted every day with the song of a lark which sung as if it were not in a cage: a boy every day, for a halfpenny, brought that lark a piece of green turf, and that was the principle on which the Queen was supplied—on which the highest and the lowest received their supplies; and they might rest assured that there was no principle of supply so secure as that which was allowed to regulate itself by the wants of the community. The right hon. Baronet said that if our ports were opened, there would be a larger quantity of corn required than had been estimated by Mr. Tooke, and asked where was the security of a larger supply in years of deficiency? Was he not aware that in all those articles of consumption which we required and which were not protected, though the produce of other countries, there was usually a good stock on hand? Corn was the produce of most countries, and how could he suppose such a deficiency when we were enabled to have a stock on hand of commodities, some of which were the produce of only one country, such as cotton. There was more than six months' stock of cotton in Liverpool, although it was only produced in the United States; and there was a similarly large stock of everything which we required which the unhallowed finger of protection had not been laid upon: of all the articles which were not protected we had a large supply, and our experience on that head formed a conclusive argument as regarded the fears of the right hon. Baronet—an argument which was a thousand times more conclusive than the prophecies of the right hon. Baronet as to the dreadful effects which might be expected to follow the abolition of the monopoly in corn. The right hon. Baronet spoke of the results of a panic, and persons being thrown out of employment, until he (Mr. Bright) had begun almost to think that times were changed, and that the right hon. Baronet was sitting on the Opposition side of the House, and wanted to get to the opposite Benches. He spoke as if he believed that, in consequence of the abolition of the Corn Laws, there would be a suspension of labour. Did the right hon. Baronet know that the whole number of persons who were engaged in producing 2,000,000 quarters of corn was not as great as the number of persons who were thrown out of employment in one town in this country by the state of things caused by this monopoly, like Sheffield, Leeds, or Stockport? But he was certain he could name two towns at least, in which a number of the population were thrown out of employment in 1841 and 1842, greater than the whole number of individuals who were directly employed in producing 2,000,000 quarters of corn. They could not find 25,000 persons in any part of England employed in the cultivation of 2,000,000 quarters of wheat; and yet that number of persons had been thrown out of employment in one town in 1841. The right hon. Baronet talked of the improvement of agriculture; every one knew that improvement had been going on; but was it such an improvement as would go faster than an increase in the population of 380,000 every year? If it were not, then, should we be in a better position in a few years, through any effect of that improvement, than we are in at present, when it was notorious that there were three or four millions of persons in Great Britain and Ireland, who had not the means of obtaining bread as a common article of food? With respect to the argument of the right hon. Baronet, founded on the assumption that an abolition of the Corn Law would make us dependent on foreigners, he did not feel it necessary to follow it; and he alluded to that portion of his speech, because it exhibited the right hon. Baronet in the most extraordinary position in which he could be placed, holding free-trade opinions, and defending Corn Laws like these. The right hon. Member for Newark had stated last year that the price of corn was steady under the present law. Well, it was steady for the last twelve months, and the parties for whose protection it had been established were disappointed. As regarded the steadiness of prices under this

law, the prices of wheat were more steady, and for a longer period, in 1833 and 1834, under the former law, whilst the right hon. Baronet had admitted that the existing law had not yet been tested by a bad harvest, which was the only test of bad legislation on the subject of corn. He expected that the Motion of his hon. Friend the Member for Wolverhampton would have been resisted by the Government, not on grounds of principle, but on the ground that it was not expedient to take such a step at once; but that it would be better to advance only in such a degree as the country might be found prepared for; and when a Member of the Government came to address them, he directed himself a good deal towards his supporters, the agricultural Members at the lower part of the House, in order, as it appeared to him, to break their fall. As the right hon. Baronet had taken that course, perhaps he (Mr. Bright) might be permitted to address a few words to the Gentlemen who represented the agricultural interest in that House. The speeches of the hon. Members for Devonshire and Lincolnshire had resuscitated opinions which, he had begun to think, had altogether disappeared; and he would, therefore, apply himself to the argument which was based upon the fears of the landlords and farmers, as to the result which would be produced on their interests by the repeal of the Corn Laws. From the discussions which he had had with persons connected with agriculture, he found that they were rather willing to receive any arguments which went to show them that their fears had been greatly exaggerated. He would ask them, was not the article of wheat in its nature the same as any other article of consumption and legislative regulation, such as tobacco and cotton? Would not the same rules apply to wheat, as regarded competition, which applied to other articles of agricultural produce? The Legislature had already admitted a large number of articles into this country which competed with agricultural produce, and the result was, that the agriculturists had not suffered evil, but obtained good from those changes. Take bark, for example. It appeared by a Report presented to that House, that during the last ten years the importation of bark had been 7,130,626 cwts.; and yet, he would ask, had any grower of timber in this country suffered in consequence, by finding a difficulty in disposing of his bark; or had it varied in its price more than other articles? Then hides were another description of import which was permitted by the Legislature; and the imports of foreign hides for the last ten years were 3,811,759 cwts.; notwithstanding which, the graziers and butchers found no difficulty in disposing of their hides. Suppose that a contrary system had prevailed for the last ten years, and that foreign hides had not been allowed to be imported to this market, how would the people of this country have been supplied? They might be independent of foreigners in that case for their supply of hides, and they would also be independent for their boots and shoes. It was by carrying the principle of protection to its full extent that its advocates could best see how untenable it was. That was the way in which to judge of whether the advocates of free trade or protection were in the right, and he was satisfied to abide by such a trial. The next article which was admitted by the Legislature, and which might be supposed to interfere with agricultural produce, was tallow; and he found that in the period which he had mentioned, the quantity of tallow imported into this country was 12,054,257 cwts., all of which came into the country without any injury to the agricultural interest. The import of foreign flax in the last ten years was 12,057,286 cwts., and of wool 490,545,447 lbs., notwithstanding which the price of wool had been most highly remunerative to the wool-growers of this country during that period, in fact, better than those given to the growers of wheat. The next articles to which he came were silk and cotton, which, though not articles of agricultural produce, might be supposed to interfere with the growers of wool; and the importation of those articles in the same period was, of silk 52,389,574 lbs., and of cotton 4,300,721,655lbs. Who could suppose, in 1810, when the importation of cotton was so small, that within so short a period as had since elapsed, it would have arrived at such an extent that its consumption would be doubled and tripled within that period? The real article which came into competition with agricultural produce, and to which he would refer them, was rice—an article which would be admitted to enter into that competition, inasmuch as a rice pudding might fill the place of a bread pudding; and the amount of rice imported in the last ten years was 1,694,817 cwts. in a clean state, and 1,418,407 cwts. with the husks. Of other

articles within the same period, the importation was—cloverseed, 971,382 cwts.; rye, 207,107 quarters; beans and peas, 1,821,143 quarters; barley, 2,011,602 quarters; oats, 2,376,343 quarters; wheat, 12,390,991 quarters; flour, 5,317,815 cwts.; grain of all kinds, upwards of 19,000,000 quarters; of butter, 2,070,696 cwts.; cheese, 1,939,568 cwts That was the amount of importation on articles which affected the agricultural interest, and it had not produced the slightest injury to them. The hon. Member for Lincolnshire talked of a famine price, and stated that there had not been a famine price in the country during the last twenty-five years. He could tell the hon. Member that they had famine prices, and they were relaxed when it was feared that they were stretched so much that they would break with any greater tension. The hon. Member, or Members, of the Cabinet might not, perhaps, know of a famine price; but to the poor man there was in this country still a famine and a starvation price of corn, as if God had visited the earth with sterility, and that this country had been afflicted with one of those terrible disasters which they read of as having taken place hundreds of years ago. But it was not a famine price of that nature: the famine was caused by that House by legislation, and it was high time that the extraordinary imposition which caused it should come to an end. The country now regarded it as such; for he and those who acted with him had not travelled through every county and most of the towns in England without sufficiently exposing it; and so long as it continued, there would be found to exist a soreness on the subject, "a foulness of breath," as Dr. Chalmers termed it, "non-acquiescence in the system, and a desire to have it repealed." There was no reason why the agriculturists should be afraid that evil consequences would arise to them from the importation of wheat, any more than from the importation of the other articles which he had named. If the price of 64*s.* a quarter was not able to cause a larger importation than 2,250,000 quarters of corn, how could 45*s.* or 35*s.* produce such an importation as they appeared to dread? There was a feeling in the country, that with respect to the subject of grease and butter, which had been fully discussed in that House, the magnanimous gentry and aristocracy had stooped themselves to obtain such a protection; but the question of protection now was one of time, and he was willing to score off the whole of the speech of the right hon. Baronet opposite after that part which contained his allusion to free trade. The right hon. Baronet admitted that the principle of free trade was the keystone of the policy of his right hon. Friend at the head of the Government. He hoped that the agricultural Members would remember that statement, and ponder on it, and that they would not tell the farmers that they could resist the principles of free trade; for they (the agricultural Members) were altogether in the hands of the right hon. Baronet at the head of the Government, and what he said must be law, and would be law, for they had no power to prevent it. The right hon. Baronet was from day to day doing something to break down the system of protection, and there were others strongly opposed to it, who would not relax their exertions. They were active, as hon. Members opposite knew—they were honest, as he knew—and they would do every thing in their power to break down a system which was so injurious to the industry of this country. The opponents of protection were determined to continue their exertions. They began with collecting 5,000*l.*, they then got 7,000*l.*, they then collected 10,000*l.*, next they got 50,000*l.*, and last year they had collected 100,000*l.*, and the people of Lancashire and Cheshire were called on to adopt a means that would give them great influence in the return of Members of Parliament. He did not give this upon his own authority; but he would suggest to Gentlemen to ask publicly, or privately, the Gentleman who had been last elected for South Lancashire, what prospects he had, with his present principles, of again representing that county. There were other counties on the list to which the attention of the League would soon be turned. They had put out a project for holding what is called a bazaar, for want of a better name—it did not exactly describe the exhibition. Many Gentlemen opposite had visited it; and if any of them would give the House a short detail of what he saw there, he thought it would be a very good Anti-Corn Law speech. The amount of money taken at the door and from sales was more than 20,000*l.* The amount of money subscriptions sent up altogether, without solicitation, was between 4,000*l.* and 5,000*l.*, and the amount of material left—valuable stock—made about 30,000*l.* Many persons had seen bazaars held under the aus-

pices of Duchesses, Countesses, and Patronesses of high rank; but they had never heard of one tenth of the sum being collected. And this was a middle-class bazaar, supported by persons into whose hearts free-trade principles had sunk, and become, verily, a religious question. ["Oh, oh."] There was a passage in the Mahometan Bible which he recollected reading—the Koran, in which the man whom the world regarded as an imposter laid it down as a maxim that one hour of justice is worth seventy days of prayer. It would be well for those who ought to be familiar with the Christian maxim of "doing unto others as they would be done by," to abstain from depriving the poor of food in order to put money into their own pockets. It would be better for them to endeavour to make their opinions intelligible to the country, than object to the statement he had made. He was speaking of the bazaar and exhibition, and was about to say that there were ladies at it, many of whom, when at home, lived just as sumptuously, just as independently, and just as respectably in every way, as the bulk of those Gentlemen whom he saw opposite; and yet so firmly were they persuaded of the truth of the principles which the League held, and which the Gentlemen opposite affected but did not dare to despise, that they came up to this metropolis, and for three weeks performed the arduous duty —for it was an arduous duty—of attending at the exhibition and bazaar. [*Ironical Cheers.*] It was easy to sneer at these things; but there was one Member opposite who would not sneer at them, and that was the right hon. Baronet who led the party. He knew better than to sneer at the opinions of a vast body of the middle classes. He might not feel it right, with the responsibilities of his office, to do that which he or others wished; but, coming from that county from which he derived his birth, and knowing the feelings, the wants, and the condition of the middle classes, the right hon. Baronet would be the last man to sneer at the efforts they were making for the abolition of this law. An hon. Member opposite had lately given to the world a book in which he represented the Monarch of this country as reigning over two nations, the rich and the poor, and there was a great deal of truth in that. Others talked of the widening of the separation between the very rich and the very poor. The Corn Law created nothing, it blighted almost everything. There was an abundance of capital, of labour, and of material in this country, but there wanted an honest distribution of it; and that honest distribution could only be given upon those just, true, and immutable principles which the Great Creator had given for the regulation of the ordinary affairs of life. He knew that on going to a division his party would be in a minority of course, but he also knew that minorities in that House often became majorities; and if a man advocated a sound principle, and knew that millions out of doors supported it, let him not be deterred because the teller gave a majority against it, instead of in its favour. They had seen good principles growing, growing, growing, because everybody supported them; and bad principles fading away, and those who formerly adhered to them ashamed to recall them. If they wanted this law to be maintained on its principle, they should have prevented Caxton from erecting his press in Westminster Abbey, they should have placed an interdict upon Chambers, proscribed Knight's weekly volume, and put down all newspapers, and, above all, put a stop to those locomotive engines which came up from Manchester to the metropolis in four hours and a half.

Mr. *S. O'Brien* said, he was not fortunate enough to hear the opening part of the speech of the hon. Member who had just sat down, nor, when he came into the House, was it his intention to take any part in the debate. For, although the hon. Member for Wolverhampton had challenged him to enter upon this discussion, and to criticise the various publications of the Anti-Corn Law League; yet he considered himself too old a fish to rise to a fly like that. But when the hon. Gentleman opposite challenged hon. Members at that (the Ministerial) side of the House to give a description of the free-trade bazaar, he (Mr. O'Brien) rose boldly to do so; first, lest it should be considered that he was afraid of acknowledging that he had been there; and, secondly, lest it should be supposed that he was unwilling to do justice to the great skill and power there displayed. He must confess that when he saw the productions displayed at that bazaar, he experienced a feeling totally distinct from any class, party, or political feeling—a sense of pride and exultation on account of what his countrymen had done. He felt something separate from and above any question of the Anti-Corn Law League or the Protection Society. He felt a pure, honest, and just satisfaction at seeing how nobly art and science did honour to the

skill of the mannfacturers of this country. But when the hon. Gentleman went from that subject, and assumed that all the evils that existed in this country were attributable to the Corn Laws, and that all the good was in spite of the Corn Laws, he must say that the hon. Gentleman's argument was altogether unfair and unfounded. When the hon. Gentleman insisted, as he always did, that the legislation of this country was mainly and solely in the hands of the landed aristocracy; when he charged them with having had, and still having, too much power in that House; it was rather illogical and unreasonable in him to turn round, and in the next breath say with honest pride, "See what that legislation has brought this country to." He was willing to let the legislation of this country stand or fall on its own merits; but that legislation should be judged of as a whole. No system of legislation, whether on free trade or protection principles, could of itself remove all the evils of a great empire and a complex state of society. And when the hon. Gentleman, not content with quoting from the Koran, should again refer to and quote texts from a sacred Book, he would remind him of the propriety of doing so in a milder and calmer spirit. He might quote many texts from that sacred book forbidding the imputation of motives to, and inculcating charity towards those who differed from us. Referring to sacred Scripture in such a spirit as that manifested by the hon. Member, reminded him of the expression—*Tantæ ne animis cœlestibus iræ?*" which though not a new quotation in that House, while hon. Gentlemen manifested the same irascibility in alluding to sacred subjects, could never be inapplicable. He still maintained the general principle of protection, for he had heard nothing to alter his sentiments on that point. As for the particular merits of the agricultural legislation of Her Majesty's Government, he must say they were not popular enough among farmers to induce county Members to support them. But whether we were to have free trade or not—whether the system of protection was to be abandoned or not, he must say that the last person the aristocracy of the country would have to blame, was the right hon. Gentleman at the head of Her Majesty's Government, for they had gone with him and supported him most thoroughly. Whether the farmers, the middle classes, or the agricultural labourers blamed him or not, the landed aristocracy could not find fault with him; for there could be no doubt that, partly from the fear of disturbing his Government, and partly from the laudable fear of interfering with the food of the people, they had supported him in all his measures. So that the last person they had to blame, was the right hon. Gentleman whom they had placed in office, and whom they were determined to support in office. He should vote against the Motion, perhaps, from motives different from those of Her Majesty's Government. He had never bound himself to the particular details of any law; and he considered the principle of protection maintained by the present laws was fairly modified. We had no right on the one side to insist that those laws should be final, any more than on the other there was a right to insist that they should be instantaneously repealed. It was by mutual concessions, and not by carrying out impracticable theories, that such a question could be decided in a manner conducive to the best interests of the country.

Dr. *Bowring* said, the hon. Gentleman who had just addressed them had announced his intention of voting against the Motion of the hon. Member for Wolverhampton; yet he had not stated one reason why he should do so. It had been asked whether the peasants of this country were not better off than the peasantry of any other country—than any with whom they came into competition? The great majority of those who cultivated the corn in countries whose produce came into competition with this, such as Poland, Hungary, &c., were persons who received no wages at all. A good deal had been said on the other side of the House on the subject of reciprocity. Now the right hon. Baronet himself at the head of the Government had admitted that this was a delusion. It was a good principle to take from foreigners all they were able to give, and they could compel them to take from us, in return, that which we had to furnish. Much had been already done for the ruling few in the way of legislation, and it was now time that something should be done for the subject many. Whatever might be the amount of resistance offered to those principles, the time was not far distant in which the emancipation of the commerce of this country should have its effect, and the labouring population of this Empire receive the due reward of their industry.

Mr. *Cavendish* concurred with the prin-

ciple laid down by the hon. Member for Wolverhampton, for whose Motion he would vote; not only on account of its own merits, but because hon. Gentlemen opposite seemed always so determined to resist all sorts of reform. He believed, also, that protection was not productive of all those beneficial effects to the farmers of this country which it was supposed to afford; and it had also the effect of preventing them from relying as much as they might otherwise do on their own efforts. He thought the only claim landowners had to any protection was, that they had long been burdened with it, and were now living under a system which had sprung up under it. He thought, however, it would better become them if, instead of keeping up this delusive system, they would devise means of giving greater security to their tenants, and inducing them to exert their energies to render their labours more productive.

Viscount *Ebrington* said, that he had formerly opposed this Motion, and had never before supported it. He opposed it in 1843, though he had then received a requisition in favour of it signed by many of his constituents, accompanied by a threat from some. On the present occasion, he had received no communication from them upon the subject; so that he came to his present conclusion unbiassed, at least, by any pressure from without. He had formerly opposed it, because he did not wish to render a compromise between two great parties whose interests wee identical, if they would but believe them to be so, impossible; but he regretted to say that, thanks to the shortsighted policy of the Government who conceded anything to clamour, and nothing to justice, and thanks to the obstinate blindness of those supporters who refused to read the signs of the times, he was beginning to despair of any compromise being effected. He had always said that if he had only to choose between no Corn Laws at all, and the present monstrous anomaly of a law opposed to the doctrines of all the political economists who had written upon the subject, and the opinions of all those who knew anything about it, he should have no hesitation in preferring the former alternative. Believing that to be the case now, he should give his hearty support to the Motion of his hon. Friend.

Mr. *Cobden* would detain the House but a short time, but he was anxious to make a few remarks, in order to recall the attention of the House to the subject really before it, and to remind the House, and probably the country, that the question mooted by his hon. Friend the Member for Wolverhampton had not been met, but systematically evaded. The question was not as to the comparative cheapness or dearness of corn—it had nothing to do with the Tariff—it had nothing to do with agricultural or manufacturing prosperity. The question was simply whether it was just to impose a law to restrict the supply of food? That question had not been met. He said more—he said it never would be met. It was an argument that could not be answered, either there or anywhere else. The question was, whether there was fact and truth in the proposition of his hon. Friend, that we had a law restricting and diminishing the supply of food? He asked, if the Corn Law was not to effect that, what was its purpose? Gentlemen seemed to have forgotten—but the country did not forget—that their former pleas for protection, on the ground of exclusive burdens, admitted that restriction raised prices; and how could prices be raised but by restricting and diminishing the supply? All the secondary and subsidiary arguments which were resorted to, showed the country that the question could not be met. But it was asked, what proof there was that in this country the law restricted the supply of food—that the people were insufficiently fed? Would any agricultural Member say, that in the county from which he came, in the south of England, the labouring classes and their families were sufficiently and wholesomely fed? If the hon. Member for Wiltshire, for Dorsetshire, or for Somersetshire, would pledge his honour that in the county which he represented, as a general rule, the labouring classes and their families were sufficiently and wholesomely fed, he (Mr. Cobden) would give up the whole question of his hon. Friend's proposition. It was argued by the right hon. Secretary of State for the Home Department, that the people of this country were now in a sound and satisfactory state of prosperity. He (Mr. Cobden) denied that altogether. He said that the great mass of the labouring classes, the unskilled labouring class, were in a condition which permanently was one disgraceful to the Government of the country; and the House happened at that moment to be inundated with proofs

from Commissioners and authorities describing the degraded state of the people. Look at Ireland: Gentlemen talked of Ireland as if it was not an integral part of the Empire; and when he mentioned that there were five millions of people in Ireland who never touched wheaten bread but as a luxury, he was answered, "Oh, if you include Ireland!" But still Ireland was a component part of the Empire, and there, as well as in England, the Corn Law restricted the supply of food. When three-fourths of the people were living upon roots, that was owing to the prohibitory law. Look at Scotland: the Commissioners stated that in the Highlands the condition of the people was almost as degraded as in Ireland. There was also a Report from the Midland Counties, where the people were employed in the hosiery trade, not a small district be it observed, a district seventy miles by sixty, and where the wages earned in frame-work knitting were 7*s.* a-week. That was not the result of political economy. Such a state of things was produced under their blessed system of protection—that system of which they boasted. Such a state of things was produced under the operation of those laws which they so benevolently and considerately passed for feeding the people of this country. The system of protection had produced nothing but misery to the labouring population of this country, and until it was removed misery would continue to be their inheritance. He would meet the opponents of free trade with this simple proposition—they could not benefit the condition of the mass of the people of this country but by the admission of more food. He did not talk then of prices—he wished prices were not mentioned in that House; but he would repeat it, that unless a greater quantity of food were introduced into this country, the condition of the mass of the people could not be benefited; because, as there was no other means by which to benefit it, so this was the simplest and the surest mode of effecting that desirable object. What the people of this country were in want of was more of wholesome nourishment. He cared not whether that nourishment came from foreign countries, or was procured at home—he cared not from what source it was procured; but unless the quantity of food for the supply of the country's wants were augmented greatly beyond what that quantity at present amounted to, all other devices—all the increase which they might be able to effect of the poor's rate—all the shiftings and changings of their plans and expedients could not have the effect of permanently raising the condition of the mass of the people. He cared not if they doubled the income of this country; he cared not if that doubling of income should take place from the Queen herself down to the meanest beggar in the land; all this might take place—but the condition of the people, relatively speaking, would be no better than it was at present if they did not introduce at the same time a greater quantity of food. And how was this additional food to be obtained—whence was it to come? That was a point on which parties and individuals in that House, as well as out of it, very widely differed. They (the protectionists) said that this additional food was to be procured by improvements in agriculture, consequent upon the maintenance and permanence of protection. But had they not already tried that expedient for thirty years? and was not the present condition of the people of this country the result of a thirty years' experiment? Was that result not yet sufficiently deplorable to shake the faith of hon. Gentlemen in their favourite expedient of protection? If they had not strong grounds indeed—and what were they?—to resist the simple and straightforward proposition of the free traders, why should they not now try the plan which that proposition embodied? They had failed in their own expedient, and they were compelled to admit it, and it was now high time—for the sake of the peace, to say nothing of the comfort and welfare of the country—that they should now try the plan which the free-trade party proposed to them, and which they had hitherto so obstinately slighted. In reference to this question, the House was favoured with a great many and very confident prophecies. The speech of the right hon. Gentleman the Secretary for the Home Department was altogether an argument in the future tense. The right hon. Gentleman said, that if they admitted 2,000,000 quarters of corn, this, that, and the other thing might follow. But he would say, let in these 2,000,000 of quarters; admit into the country the full quantity of wheat which it would consume; secure to the people their fair and proper supply of food, and he was confident that

no consequences would follow which might alarm even the most timorous; at any rate, the country would not, and could not, be in a worse state than that in which it was under the present system. They had heard that evening, as well as on former occasions, a great deal about panic. But as regarded panic, do not let that be used as an argument, Both he and his hon. Friends around him, had done their best to dissipate that alarm. They never told the farmers that they had anything to fear from free trade, or from the commercial changes which they sought to introduce. If there was alarm in the minds of the farmers, it was to those sitting on the opposite benches that these fears were to be attributed. They might say, that farmers without protection could not carry on their business; and that deprived of that protection, land would be thrown out of cultivation. The right hon. Gentleman the Home Secretary spoke of clay lands; but he (Mr. Cobden) maintained that if heavy clay land was drained, it was the very description of land which for wheat culture, of all others, ran the least danger of successful competition. Tired of their old, the protectionists had now taken up with a new story. The old story was, that if they passed laws establishing free trade, they would throw the poorer soils—the light and chalky soils—out of cultivation. That argument the free-trade party had met. He had recently seen an eminent agricultural gentleman from the south, who told him that the farmers could not now cultivate their land unless a free trade were established in the inferior kinds of grain used in the rearing of cattle. As to land, especially good land, being thrown out of cultivation, he would venture to say that land of every quality would be better cultivated if the free-trade policy were adopted; for by the adoption of that policy they were likely to have much more land than at present put in cultivation. In reference to this point, he would put Lord Spencer, Lord Ducie, the late Lord Leicester, and other eminent men of their way of thinking, in competition with the right hon. Gentleman (Sir James Graham); and however much he respected the talents of the right hon. Gentleman, he could not take his convictions as worth one farthing more than the convictions of those eminent individuals whose names he had just introduced. They did not fear the same dismal consequences which the right hon. Gentleman anticipated, or which he affected to fear; nor were they apprehensive of that reduction of rent which was such a bugbear to many hon. Gentlemen, as the supposed necessary consequence of the introduction of free trade. His own belief was, that better rents could be paid under a system of unrestricted trade, than were paid under the present system of protection. Some hon. Gentlemen, in common with many agriculturists without, were afraid of their mortgages and marriage settlements. He could neither join with them in that panic. He believed that every mortgage and every settlement would be much safer and could be far more easily paid, had we a system of free trade in the room of our present system of restriction. The system which they at present tolerated, and which so many were desirous of perpetuating, was injurious to the community at large, and injuriously affected every portion of the community. The present moment was eminently suited to put an end to this system, and to put an end to it without inflicting injury upon any class or individual. If they abolished the Corn Law that night, provided the newspapers took no notice of the fact, the farmers would not feel the change, with the exception that, after a short time they would perceive it in the greatly increased comfort and prosperity of all classes around them. If this, then, were a suitable moment to select for making the change, how much had they to answer for who hesitated to take advantage of the occasion? The right hon. Gentleman talked of the free traders being rash. The same argument, if argument it might be called, had been used the last time that his hon. Friend (Mr. Villiers) brought forward his Motion. It was one of the stock arguments of hon. Gentlemen opposite. Was it rashness to propose the change now? Were they not rather the rash men, who were blindly passing over this opportunity of effecting it? They were themselves preparing by their present hesitancy to invest the free traders with an amount of moral power, of which they were extremely jealous. The time would yet come when they would have a recurrence of those scenes which had been witnessed within the memory of the youngest of them. When that time did arrive, who then would be regarded as the rash men? Would it be the men who, like his hon.

Friend the Member for Wolverhampton, had the foresight to urge upon the Government to prepare for the inevitable revulsion; or would it be those who, had avowed themselves free traders, and who alleged that this was a question only of time, and yet who, because it did not suit those whom they professed to lead, and who are, at the same time, still disposed to follow, much to his surprise, were willing to put off this occasion, and to walk with their eyes open—not blindfolded—to the very brink of a precipice, and into that gulf, out of which ten thousand mischiefs and dangers might arise? There was every danger—there was great rashness in slighting the present opportunity. What was the danger which they had to fear from another scarcity? There were at this momenr only 300,000 quarters of foreign corn in this country. This was bonded, and a pretty stock it was to hold. The next harvest would, in all probability, be perhaps some weeks later than previous ones, and before next harvest the people of this country would have eaten closer up to the amount of corn on hand than in former years, and yet there were only at the present moment 300,000 quarters of foreign corn in bond. Was there ever such rashness, as for twenty-seven millions of people, who could grasp the produce of the whole world, and who could mortgage it before it was grown, to leave themselves in this dilemma? Under a different system, what would have been the position of the country? Instead of having 300,000 quarters of foreign wheat in the country, they might have what it would well hold—four or five millions. That would be brought in not by the Government, but by the application of capital; and could the country more legitimately apply its capital, than for the purpose of supplying itself with food? The Dutch, at one time, held 700,000 quarters of foreign corn in their granaries. That was probably sufficient for a year's consumption. What were the Dutch as capitalists as compared with the capitalists of England? They might as easily hold 20,000,000 of quarters as the Dutch held 700,000 many years ago. Hon. Gentlemen opposite might think that the stock at present in hand in this country was a terrible thing—might think that it might be sold for nothing, and that, by its invasion, they would receive no adequate price for their corn. But what had happened in the case of wool? Had foreign competition reduced the price of wool to the producers of that article in this country? They were, then, the rash men who interposed to prevent the adoption of the proposition which emanated from that side of the House. The artificial system which was fostered and bolstered up had brought us, in this country, back to the barbarous position in which this country was placed five or six hundred years ago, with this sole difference, that then, from the bad state of the roads, and the want of the means of facile communication, counties used to suffer from famine; whereas now they were sitting at defiance all the lights of science, all the discoveries of modern times, and all the improvements founded upon these discoveries, and were bringing us into the same peril as a nation, as we formerly had to encounter only by counties. He did not ask them to store up their granaries for years. They were reluctant to interfere; but if they would not interfere, why then interfere to prevent others from storing up as capitalists? why prevent such a provision being thus made in the country as would guard against future famine? Was not this the time, of all others, in which to do this? Why were they making these amazing strides in physical science, uniting nations together, as provinces had been united before? Why were they to have railways and steamboats? Why were they to go on, uniting nations together by all the discoveries of modern times, if legislation was to lag behind, and prevent them from availing themselves of those advantages which it was the interest and the birthright of the people to derive from these discoveries, and the consequences to which they led? He would not allow the right hon. Baronet, with his proverbial caution, to take from the hon. Member for Wolverhampton what he considered his due. He (Mr. Villiers) was the man of cautious foresight. He was the man of prudence and forecast, who would make provision for future evils; and on the Government and on those who led them when they should lead their followers, on the Government rested the responsibility of anything which might happen from the present absurd and anomalous state of our law.

Mr. *Bankes* rose amidst loud cries of "Divide." He said he was anxious to follow the hon. Member who had just sat

down, because he, as well as the hon. Member for Wolverhampton, had fallen into historical errors which it was in his power to correct, and which had a material bearing on the question before them. When the hon. Member spoke of the degraded state of the agricultural population, and the low condition to which agricultural labourers had been reduced—these being relative terms—he begged to ask the hon. Member to point out that period in the history of this country, when those who worked for hire were in a different condition from that in which they were in at present. The hon. Member for Stockport said that the present Corn Law was but a thirty years' experiment, and that Corn Laws were unknown in the preceding period of our history. He would go to that period referred to by the hon. Member for Wolverhampton, namely, 1688, when he said King William, of glorious and immortal memory, introduced protection. This allegation was confirmatory of a passage in a book of fiction, attributed to the hon. Member for Shrewsbury, which stated that to King William, of glorious and immortal memory, we were indebted for the National Debt and the Corn Laws. But King William did not introduce the Corn Laws. He merely altered the import duty. Taking, however, that period when there was a perfect free trade in corn—the reign of James I.—a period of peace and prosperity, what was the state of things then? The French and the Dutch, with their supplies from Poland, supplied England with corn; and, according to Sir John Culpepper, though the rent of land was exceedingly low, the spade and the plough were forsaken, and the wages of labourers were extremely low. Now, as to prices and their fluctuation in that day. In 1621, corn in England was 30*s.* 4*d.* per quarter, and in the next year it was 52*s.* In ten years, that is, in 1631, it varied to 68*s.* per quarter, nearly three times the price. In 1648, wheat was 85*s.*, having been two years before only 48*s.* These Returns were taken from those at the College of Eton. In King William's reign the Corn Laws were altered, by the giving of a bounty on exportation. It was a singular alteration, but it was completely successful. It kept the price of wheat more steady than it had been before. That bounty continued up to the reign of George the Second, when an import duty was imposed, which varied but little from that of the present day. With respect to the difference between the exports and imports, from 1697 to 1765, there was an excess of exports over imports of upwards of 14,000,000 quarters. Let hon. Members opposite not tell him, therefore, that the Corn Law was an experiment of the last thirty years. It was an experiment of the last century and a half. In 1748, the whole of the south of France was supplied with corn from England. In 1764, the King of France took the alarm, and altered the Corn Law in that country. A subsequent alteration took place at the period of the Revolution, and though that calamity could not be ascribed to the alteration in the law which then took place, yet it was not prevented by it; and, therefore, as the experiment in France had so signally failed, he deprecated trying such another experiment in the country as urged by the hon. Member for Stockport. The burdens which were borne by the land in England were imposed for the protection and the extension of commerce throughout the world; and the landlords who consented to burden themselves for the protection of commerce had, in return, claims for protection which he hoped no Government would disregard. But if protection were removed from the landed interest, were hon. Gentlemen opposite willing to give up all other protection? [Mr. *Cobden:* We are.] Yes, that came well from hon. Members whose fortunes were made; who had large investments of money in railways, and had already invested some money in the purchase of land. But were they authorized to say so by those who had to live by their labour? Look at the report of the framework knitters — they who claimed protection. They gave no authority for the removal of that protection upon which their sustenance must depend. Hon. Gentlemen who possessed great property might disregard the condition of the operatives, but it was his duty to remind hon. Gentlemen of it. On referring to the report of the distress of the framework knitters, it would be found that in the years 1821, 1827, 1833, and 1837, when corn was cheap, they experienced the greatest distress. Their distress was aggravated in consequence of the sending machinery out of the country; for the machinery exported by this country was now used in Saxony, the consequence of which was that the framework knitters of this country were undersold in every market but the home. Only one thirteenth of the produce was consumed abroad, the rest

was sold here. And those were the persons whose protection they were so ready to throw away! He could not agree in what had fallen from the right hon. Gentleman the Secretary of State for the Home Department, that the condition of the labouring classes of the country was an improving one. The Returns which the right hon. Gentleman referred to on that occasion were the Returns of 1844. He was afraid the Returns of the present year would show a different state of things, The greatest distress prevailed during the last severe winter in the agricultural districts, and the people were prevented from having recourse to the poorhouse only in consequence of private benevolence; and that was the reason why the amount of the Poor Law was less than it had been before. With regard to criminal offences, he could only say that the calendar for the assizes of the county of Dorset was heavier than he ever knew it to be before. He was of opinion that when corn was dear there was more employment for the people, and that the condition of the labourer was better in consequence. He would give his decided negative to the Resolutions of the hon. Member for Wolverhampton.

Lord *J. Russell:* Sir, I shall not at this time of the night detain the House by referring at any length to those curious specimens of historical erudition with which the hon. and learned Gentleman who has just sat down has favoured the House. He said that in the time of James I. there was free trade, when, as I believe, there was no great amount of commerce of any kind—for we certainly had not made any considerable progress—and that there was a very extensive fluctuation in the price of wheat. I will take the hon. and learned Gentleman's own showing, but I doubt whether any practical inference can be deduced from these curious specimens of historical knowledge. He has given us the further information that some changes in the Corn Law took place in France, but that these changes did not prevent the French Revolution. Undoubtedly, the hon. and learned Gentleman is well founded in facts; but I never before heard a statement that the French Revolution was likely to be prevented by a change in the Corn Laws, nor did I hear the hon. Member for Wolverhampton state in any part of his speech that the change he proposes will tend to prevent consequences at all resembling the French Revolution. The hon. and learned Gentleman went on to a more recent period. He told us that this country, and the agricultural interest especially, gladly bears the charge imposed on them; but with respect to a part of history in more modern times—on which he is, I think, a better authority—his statement was not so satisfactory as might be wished. Instead of showing that the agricultural labourers of his own part of the country are enjoying happiness and prosperity under the now existing state of the law, he laments their condition, he deplores their misfortunes, and insists that the right hon. Gentleman the Secretary for the Home Department drew too flattering a picture of their condition. If that be the case, the present state of the law has evidently not produced the contentment and happiness he supposes; and this, I think, is a more valuable fact than any which can be deduced from researches into the times of James I. and the French Revolution. The question before the House was brought forward by the hon. Member for Wolverhampton in a very able manner. The course which my hon. Friend proposes is to go into a Committee, and then to call on the House to consider of his Resolutions. I was curious to hear what course the right hon. Gentleman opposite, who I saw was about to speak as the organ of the Government, would take upon this Motion. The right hon. Gentleman at first declared the course most favourable to industry was to leave it to find its own level—to leave it to pursue its own course; and the right hon. Gentleman went on to say that this principle was applicable to corn. He then proceeded to observe that the restriction was not only injurious to the country, but to the landowners it professed to serve. [Sir *James Graham:* I did not say so.] I certainly understood the right hon. Gentleman to enunciate, first, the general maxim regarding the injury produced by restriction; and then I understood him to say that he would go further, and say that, even with respect to landowners themselves, restriction, or prohibition, at all events, was injurious. If I have made any mistake in this, the right hon. Gentleman will correct me. Then, I expected from this statement, if the right hon. Gentleman was not prepared, with my hon. Friend the Member for Woverhampton, at once to abolish the Corn Law; or, if the

right hon. Gentleman was not prepared with me to adopt a moderate fixed duty, that he was prepared to diminish the protection at present given — that he was about to propose some scheme by which that protection was to be diminished—and that he was prepared to make this gradual approach, which he says is so desirable, towards free trade. There is nothing in the statement of the right hon. Gentleman to induce me to think this course impossible. There is nothing to render it impossible in the fact that the law has been so recently enacted; for we have seen that with respect to several matters the Government have altered the duties they themselves proposed in 1842. The duty, for example, which they proposed upon coffee in 1842, they altered in 1844. And, then, with respect to several articles upon which, in 1842, there was a low duty, there was no duty at all in 1844. But after this statement, the right hon. Gentleman started off in a course of argument directly opposite to that with which he commenced. He brought forward all those arguments which had been usually employed in favour of every system of Corn Law protection that had ever been enacted. The right hon. Gentleman told us that if the object were to have corn as cheap as possible, he conceived that in this country protection to agriculture was the mode by which this system of cheapness could best be produced. If that be so, it would be unwise in us to take into consideration the present state of the Corn Laws. But I submit to the House that the argument of the right hon. Gentleman is inconsistent with any system of free trade, or of political economy, which the right hon. Genman professes; the argument being, that native industry will do more for us than foreign nations will give; and if the right hon. Gentleman deny this, then the one part of his position is inconsistent with the other. The right hon. Gentleman went on to say—and it is a favourite argument with the friends of the old system—that if you abolish this system, you will have 1,500,000 quarters of wheat, now grown upon clay lands, that would no longer be produced. Is not that inconsistent with the argument which the right hon. Gentleman used to-night relative to the increase of population, which he told us was between 300,000 and 400,000; and that if you exclude foreign corn, the production of 1,500,000 quarters more wheat would be required? It would naturally result from the right hon. Gentleman's own statement, that if you had freer intercourse with foreign nations you would not destroy our native industry, but would have a more plentiful supply of corn for our population. This argument of the right hon. Gentleman would be very good for those who had always advocated the protection of native industry; but in the mouth of the right hon. Gentleman, it was an entire contradiction. Therefore, with respect to the speech of the right hon. Gentleman, I am at a loss to know upon what plan the Government mean to act. The right hon. Gentleman at the head of the Treasury told us he agreed that protection was in itself an evil; and the right hon. Baronet the Home Secretary, following up that expression, told us to-night that it was the system of the Government gradually to relax protection with as little injury to existing interests as possible. That is an intelligible proposition, but it is at variance with all that the right hon. Gentleman stated to be the advantages of the protective system, and the benefit of restriction. With respect to two of the Resolutions proposed by my hon. Friend the Member for Wolverhampton, namely—

"That the Corn Law restricts the supply of food, and prevents the free exchange of the products of labour;"—

And

"That it is therefore prejudicial to the welfare of the country, especially to that of the working classes, and has proved delusive to those for whose benefit the law was designed,"

these are opinions in entire accordance with those which I had the honour to put before the House on a former evening. These are propositions to which I cannot refuse my assent; and when my hon. Friend proposes to go into Committee to consider these Resolutions, and proposes a third Resolution, "That it is expedient all restrictions on corn should be now abolished," I feel at liberty to vote for going into Committee with him; and I feel at liberty, if the House should go into that Committee, to consider in what way the relaxation of the Corn Law should be made. I will not now discuss that point; I have stated my opinions on a former occasion — opinions which I still hold. The hon. Member for Stockport has stated that great advantages would arise from making an immediate alteration. On the

other hand there are great authorities, such as Adam Smith and Ricardo, and of Reports made to this House, such as that of Mr. Senior, which are in favour of a gradual change. Whether the one or the other of these opinions be the better, I do not think it necessary to discuss to-night; and I conceive that that discussion may be reserved until some practical measure be resolved upon by the Committee. Sir, upon the case the Government have put before us, I cannot refuse to my hon. Friend my vote for going into Committee. We have been going on since 1842 with a Corn Law which I consider entirely vicious in principle. The Government in general are against the system upon which it is founded. With respect to many articles of importance they have yielded, and admitted the evils of restriction; but with respect to the Corn Law they will not assent to the Motion of my hon. Friend, nor will they tell us that at any time they will take the matter into their consideration. Sir, I consider the state of the country as it stands at the present moment, in respect of this question. I do not look to the time of James I., or to the year 1791, when protection was continued only till the price reached 50*s.*; but I consider what have been the changes since 1791, when your law became far more restrictive, and you deny to the people a supply of food at far higher prices than in 1791, and while your population has gone on increasing to an enormous extent, and so giving an augmention of the number of people for whom to find employment and food. Look at any of the Reports upon the subject of the labouring population which have been presented to the House; look at any authentic statements that have been made regarding it—look, for example, to the Report of that Committee of which Mr. Senior and Mr. Jones Loyd were Members—look at the case of the French railroads, where we are told that English workmen are receiving one-third more wages than the French workmen, on account of the superior value of their labour —and I ask you, may you not with such men defy the world? I think my hon. Friend the Member for Wolverhampton, stated that there were great complaints made at the farmers' meetings, sometimes of the quantity of game, sometimes of the insecure tenure of the land, and sometimes of other grievances, as against the landlords. I believe that these complaints of grievances are kept up very much by this system of protection. By the freer importation of foreign corn the landlord and tenant would be brought more together, and would concert how the most could be got out of the soil for their mutual interest, for their interest in common, so that they might not be overtaken and surpassed by the foreign agriculturist. I believe that in this way the agriculturists would make great progress. If the right hon. Gentleman disapproves of my proposal of a moderate fixed duty, let him then diminish the sliding scale—let him diminish it to 10*s.*, and from 10*s.* to 1*s.* Even that might be a great relief to the country. But what I do believe is, that the Corn Law, as it now stands, cannot be long maintained. I say, that is fully signified, not only by the ability of the attacks made on the law, but also by the manner in which it is defended in this House. I cannot conceive, unless it is better defended than it has been hitherto, that it can last for many years to come. And if that be the case, why should not the landed gentry take advantage of the present state of things, the present moment of calm and quiet, to make the necessary alteration with coolness and deliberation? If they are determined not to do so, they must run the risk in case of any inflammation of the popular mind, of being exposed to odium and reproach. No one can deny that the present Corn Law is intended to, and does in the opinion of political economists, add to the rent of the landlords. Only conceive the effect of this impression working on the minds of the people for many years. Here is a law which clearly adds to the income of those who legislate for the country. It is the business of those who legislate to prove that, though it adds to their income as legislators, it benefits the other classes of the community in the same proportion. Now, they cannot deny the effect of the law to be, that it adds to their rent; but they totally fail in proving that it confers a corresponding benefit on the rest of the community. Let them consider the consequences of such an argument going on for many years with the sharp and intelligent eyes of this community fixed upon them; and let them be wise in time.

Sir *R. Peel:* Sir, I have had so many opportunities of stating to the House my sentiments on this subject, that I feel reluctant again to express them; but, con-

sidering the great importance of the subject, and the position in which I stand, I am unwilling to give a silent vote upon the immediate question before the House. The hon. Member for Wolverhampton has made on the present occasion a Motion similar to that which he proposed last year; they are in substance precisely the same. The hon. Gentleman last year made the following proposition:—

"That this House do resolve itself into a Committee, for the purpose of considering the following Resolutions:—'That it appears, by a recent census, that the people of this country are rapidly increasing in number; That it is in evidence before this House, that a large proportion of Her Majesty's subjects are insufficiently provided with the first necessaries of life; That, nevertheless, a Corn Law is in force which restricts the supply of food, and thereby lessens its abundance; That any such restriction having for its object to impede the free purchase of an article upon which depends the subsistence of the community is indefensible in principle, injurious in operation, and ought to be abolished; That it is, therefore, expedient that the Act 5 and 6 Victoria, c. 14, shall be repealed forthwith."

Now, I voted against the Motion of the hon. Gentleman last year; and I am not able to concur in his present Motion. It is not my intention to deal out to the noble Lord that measure of injustice which he has dealt to others. The noble Lord was not enabled to support the Motion of the hon. Gentleman last year; but he is enabled to do so this year, though the proposal is identical with that of last year. I give the noble Lord entire credit for integrity of motive. He shall not hear from me any taunt because upon this occasion he supports the same Resolution which he could not support last year. But I think we must be fast approaching that period when the noble Lord will not only give his support to the first two parts of the Resolutions of the hon. Gentleman, but cordially concur with the others. But when the noble Lord says that the effect of the existing Corn Law is to increase the rents of the landlords, and advises them to consider what must be the invidious effect of that in the eyes of a scrutinizing and intelligent population, let me remind him that that objection applies with equal force to his own proposition. The hon. Member for Stockport said, that whatever was the amount of a fixed duty, there was a corresponding increase in the value of every quarter of corn, the domestic produce of this country. Therefore, the hon. Gentleman and the noble Lord do not agree. The effect of his 4*s.* or 6*s.* duty is to make a corresponding increase of price in every quarter of corn sold and consumed in this country. The noble Lord says, that is a greatly exaggerated estimate, and I agree with him as to the effect of a fixed duty; and I think the hon. Member for Stockport has failed to establish that proposition against the noble Lord. But though I vote against the Motion of the hon. Gentleman, I cannot concur in some of the arguments I have heard to-night on this side of the House in opposition to it. I must say, that I think experience has shown that a high price of corn is not necessarily accompanied with a high rate of wages. But I believe it would be impossible to show that the rate of wages varies with the price of corn; and speaking generally of the industrious classes of this country, I think it impossible to demonstrate that it is to their advantage that there should be permanently a high price of corn. I own I cannot concur with my hon. Friend in speaking of the condition of the working classes, that whatever their condition might have been some few months ago, it is in some respects deteriorated, and that generally speaking the working classes at present are not in so comfortable a state as they were a few months ago. I should deeply regret it, if that were the case. I cannot speak of every district or parish. I know there are great vicissitudes of trade, and consequently of employment for them; but, speaking generally of the working classes, and particularly of the manufacturing classes, I do not believe that there is any deterioration in their condition as compared to that condition some few months ago. On the contrary, I do perceive in the increased consumption of many articles—of coffee, of tea, of sugar, continued even up to the present time, an effective proof that their condition now as compared with their condition some two or three years ago is greatly improved; and I cherish the hope that it continues, generally speaking, to improve. The hon. Member for Stockport blamed my right hon. Friend for dealing with future things. I must say that the speech of the hon. Gentleman is exactly subject to the same objection; because the greater part of that speech consisted not of argument, but of confident predictions of what would

be the consequenc es of a repeal ofthe Corn Laws. And, if I could believe that his predictions would be fully verified, my objections, even to a repeal of the Corn Laws, would be considerably weakened. But I think the hon. Gentleman and his friends greatly overrate the advantages of a repeal of the Corn Laws; he points out the great discrepancies that there are between the wealth of some portion of the community and the poverty of others, and he says, and says with truth—"You cannot say that the condition of this country is perfect, while there are 1,500,000 paupers in it." He speaks of the midland districts, and of the state of the manufacturing community; and he infers thence that you must proceed to the immediate repeal of the Corn Laws. It is my confident belief that, establish what system of Corn Laws you please, you must expect to find such differences in this country and in a state of society like this; you must expect to find those extremes of wealth and poverty. They exist, I believe, in every country on the face of the earth. I doubt, indeed, whether the more civilization and refinement increases, there be not a greater tendency towards those extremes. Suppose the hon. Gentleman to have succeeded in repealing the Corn Laws, he would find that he had done little towards preventing or curing the evil he points out; and we should then be again told, having failed to cure this great evil, having failed to improve the condition of the labouring classes, we must proceed to some other mode of relief, some other remedy for the evil. I wish, Sir, to reconcile the gradual approach towards sound principles, with a full and cautious consideration of the relations which have been established, and the interests that have grown up under a different system. The hon. Member for Wolverhampton tells us that the system of protection has endured since 1688—he admits that since the period of the Revolution, since the accession to the throne of this country of King William—protection has been given to agriculture, and it has been maintained up to the present time. Be it so—I ask, under that state of the law in this country and in Ireland, what peculiar and special relations have grown up? Is it then fit that these relations should be disturbed as the hon. Member proposes to disturb them, or is it not more for the general interest that in returning to what I admit to be a better condition of society and the establishment of better principles, we should proceed with caution and deliberation—that our steps should be taken, not hastily, but with the fullest consideration of the interests which have grown up under a state of law which has endured for 150 years? Now, what has been the course of our legislation for the last few years? Can it be said that we refused to recognise the soundness of these principles? Can it be said that we have contended that agriculture stands on some different footing with respect to them from other interests of this country. In 1842, we found a Corn Law existing, which gave very great protection to agriculture. The hon. Gentleman says that when I brought forward the present Corn Law, I avowed it was not my object to reduce that protection; but my right hon. Friend has truly stated that in bringing forward the present Corn Law, I did contemplate a material reduction in the amount of protection given by the last Corn Law. Where there is now a duty of 12*s.* per quarter on the import of foreign wheat, there was then, I think, a duty of 25*s.* or 30*s.*; and I might refer to the operation of the law since its passing to show that under the present law Corn has been brought in, and at such times, as under the former law could not have been introduced. In 1842, there was an absolute prohibition on the import of foreign cattle and foreign meat; that prohibition has been removed, and there has been substituted a moderate amount of duty on the import, both of foreign cattle and meat. The hon. Member for Durham has gone into a long detail of alterations in the law by which the protection given to agriculture has been gradually abated; he referred to the immense quantities of foreign bark which have been introduced, and asked the agriculturists whether they were not entirely satisfied with the existing price of bark? I believe many of them would, in reply, inform him that they were not satisfied, and that the import of foreign bark had materially reduced the price of that grown in this country. Again, timber is an article in which the agricultural interest is deeply concerned. By the Tariff of 1842, the monopoly of timber, the produce of this country, in the home market was materially abated by the law then introduced. Timber, the produce of the Baltic, is admitted at a much lower rate of duty than formerly;

and timber, the produce of Canada, is admitted at a merely nominal duty; and I apprehend that the effect of these alterations is, that while there has been increased demand for foreign timber, that has been accompanied with a material reduction of the price of timber in this country. I mention these facts to show that the Government, in the laws they have passed, have not considered the agricultural interest as specially entitled to protection, or as exempted from the operation of those principles which have been applied to other classes. But the law of 1842 passed, and I am bound to say that it passed with the general concurrence of the agricultural Representatives in this House. I do not think hon. Gentlemen on the opposite side are justified in talking of the agricultural Members as having voted with any feeling of disinclination to promote the object of that law, or that those hon. Members in any way showed their dissent from any reduction of the protective duties which that measure involved. It may be true that, with respect to certain particular articles, objections were raised; but as against the measure generally, I do not believe it can be fairly said there was any strong opposition on the part of the agricultural Members. It was unquestionably felt at the time to be an important measure, and one effecting a very considerable reduction of protective duties. But I think the hon. Member for Northamptonshire has justly claimed for the agricultural interest a willing submission to a new state of things, a ready yielding up of the privileges which they have hitherto enjoyed, from the belief that they will derive an equal share of benefit with their fellow men, from a measure intended for the general good. What have been the other effects of the operation of the new Corn Law of 1842? We were told that the retention of that law would be inconsistent with the prosperity of the manufacturing interest of the country. But has that prediction been verified? Concurrently with that law you have seen a revival of industry, an extension of commerce and a degree of manufacturing activity, which we could hardly have hoped for or contemplated within so short a time. All this has existed concurrently with the new Corn Law of 1842. The hon. Member for Stockport (Mr. Cobden) has admitted these results; but he has contended that they might have been carried further. Of course, it is impossible not to extend our wishes for manufacturing prosperity, and I quite admit that it might be carried further than at present; but all I say is, that we have now arrived at a point which, in 1842, we hardly expected to reach in so limited a time, and which some persons thought was utterly inconsistent with the enactment of this new Corn Law. It was said that this new Corn Law gave no security against great fluctuations in price; but I must say that during its existence there has been greater steadiness of price than almost at any other period. I was looking at the price of wheat since September last, and I think that, during every week since then, the price of wheat has hardly varied more than 1*s.* 9*d.* a quarter. The lowest price during that period was 45*s.* 2*d.*, and the highest 46*s.* 11*d.* In 1842, there was an expectation of a bad harvest; but taking the price from September or October, 1842, I must say that there has been less of fluctuation of price than at almost any similar period. But it would probably be said that this was the consequence of favourable harvests; but though the harvest last year was tolerably good for wheat, yet, as far as barley and oats were concerned, it was defective. It is impossible to deny that the produce of barley in the last two years was deficient; and I doubt whether the oat crop was very abundant. Therefore, as far as oats and barley are concerned, the law has been exposed to the operations of deficient harvests. Nevertheless there has been a gradual monthly importation, particularly of barley, under the existing law, and the prices have not materially varied. Then it has been said that the present law holds out expectations which are false, and which tend to check agricultural improvement. I must say, that I think that statement totally devoid of foundation. I doubt whether, during any period in the past history of this country, there has been more rapid progress in agricultural improvement than during the last three years. I think it therefore impossible to say that the existence of the present Corn Law is incompatible with the application of capital and science to the improvement of agriculture. Therefore, these defects, which have been charged on the existing law, are defects to which it is not justly liable. It cannot be said to be inconsistent

with the extension of commerce, and the demand for manufacturing industry; nor can it be said to be incompatible with steadiness of price. It appears to me that you cannot take any effectual precaution against fluctuations in the value of an article like that of corn; that you cannot take perfect security against that which you consider one of the main defects of the existing law, namely, the uncertainty as to the future harvest. While there are great speculations in corn, great quantities of corn will be brought into the markets of this country. I believe that uncertainty as to the production of a future harvest will always exist. There will always be a degree of uncertainty as to whether a good harvest may not diminish the value of corn; and therefore those who hold foreign corn, if they think that the prices of domestic produce will be affected by the goodness or badness of a harvest, will conduct their speculations or transactions accordingly; and in the months of August and September, whether you have a fixed duty or no duty at all, you must expect that, on account of that uncertainty, considerable quantities of corn will be imported. But it would be wrong to suppose that these quantities of corn are thrown upon the market at once. They are retained for home consumption, but are not immediately thrown on the home market. Taking these facts into consideration, I do not think that the existing Corn Law is fairly liable to the charges brought against it, or that the predictions made as to its failure have been verified; and, therefore, I am not prepared to accept the proposition of the noble Lord opposite, and still less that of the hon. Member for Wolverhampton, in lieu of the present Corn Law. I do not defend the present Corn Law on the ground that it is for the especial advantage of any particular interest. I believe that it would be impossible to maintain any law that should be supposed to be founded on that consideration, which it had been said this law is founded on, namely, a desire to increase the rents of landlords. But this I do believe, that looking at the condition of the agricultural interest generally, and all those connected with it, looking at the obligations to which they are subject, I think that any such change in the Corn Law as that contemplated by the hon. Gentleman, might tell injuriously no doubt on the landlords and the proprietors of the soil; but I believe that the objection to it would be that it would tell more injuriously on the great class whose prosperity is involved with that of the proprietors. It has been said, that the law is required, because incumbrances on estates must be provided for. I say that it is impossible to found the defence of the law on such an idea, or upon the exclusive interests of any class. But I must say that there are social and moral relations, which it is impossible altogether to overlook. Under the state of the law, as existing, there has grown up a relation between landlord, tenant, and labourer, which does not rest merely on pecuniary considerations. The landlords and proprietors in this country—at least in great districts of it—do not look on land in the light of a mere commercial speculation. I believe that it would be a great evil if they did so. According to the principles for which the hon. Gentleman opposite contends, I apprehend that he would say, "let the landlord make as much of his land as he can—he has a right to do that;" on the same principle he has a right, commercially speaking, on the termination of a lease, to let his land for the utmost he can get for it. I will not say that this is not one of the modes, if you abolish the Corn Laws, by which the difficulties the landlord will have to meet will be met. Possibly it may be said, let the landlord—the principles of trade having been suddenly applied to the produce of the land—let him regard the land itself in the same light; let there be no reference to the relations that have existed, perhaps for centuries, between him and the family that occupies that land; let him have no regard for the labourer; let him take the man who can do most for his 10*s.* or 12*s.* a week; let the old and weak receive no consideration, because they cannot perform the labour the young, the healthy, and the active, can do; though the land may be so regarded, yet in everything but a purely commercial sense, in a social and moral point of view, I should deeply regret it. It would alter the character of the country, and be accompanied by social evils which no pecuniary gain, no strict application of a purely commercial principle, could compensate. I will not carry this too far; I will not—because I cannot—say that agriculture

ought to be exempt from the gradual application of principles that have been applied to other interests. I fairly own that I doubt whether protection could be vindicated on the ground of being independent of foreign supply. I think it would be of very great importance—I should rejoice in the fact—I should rejoice in the result, that the greater portion of our supply was derived from our internal resources. In every point of view, commercially, morally, and socially, it would be an immense advantage if the agriculture of the country was in so improved a state that we could rely on our own internal resources for the greater part of our supply. But the hope to make ourselves entirely independent of foreign supply is out of the question. If that had been our view, we ought not to have relinquished the prohibition on the import of cattle and meat, and we ought to have established such a protection on corn as to have ensured the application of an amount of capital to the land which would have secured that independence. That would have been, I think, an erroneous policy; and though I still contend that it would be a great advantage for us to be independent of foreign supply, and that we should look to our own produce as the main source of our supply, yet it would be impossible to defend protection on the ground that we ought to be completely independent of all foreign countries. I have attempted to show, therefore, that during the three or four years the present Government have been in power, they have altered our commercial laws in a manner consistent with sound principles, and have not excepted the Corn Laws, and other laws which prohibited the importation of foreign agricultural products. In no respect, upon any article imported, have they increased protecting duties. You may think we have not carried the principle far enough; but, at any rate, every act we have done has been an act tending to establish, with respect to the import of every foreign article, that principle which I believe to be a sound one—the gradual abatement of purely protecting duties. I must also claim for them the liberty and the power of continuing, according to their judgment, the application of that principle. I am bound to say that the experience of the past, with respect to those articles on which high duties have been removed, confirms the impression founded on the general principle. But, Sir, with the strong opinion I entertain, that in the application of this principle it is necessary to exercise the utmost caution for the purpose of ensuring its general acceptance and stability, I cannot consent to give my vote for a proposition that implies the total disregard of every such consideration, in the application of the principle of free trade. If the doctrine is good for corn, it is good for everything else. The proposition of the hon. Gentleman, though confined to corn, applies to every other production, not only to every article of agricultural produce, but to every other you can name, because he contends that the duty on foreign importation restricts supply, impedes the free exchange of the products of labour, and, therefore, ought to be abolished. All our Colonial interest will then become subject to this principle; and I do believe that the instantaneous application of such a principle, either to the agricultural or Colonial interest, though it may be accompanied by some immediate fall of prices, would not be for the advantage of the whole community. It is upon that ground, because I believe it would be injurious to every interest, because I believe your Colonial relations could not coexist with the sudden application of such a law, because I believe the interest of Ireland would be prejudiced by a sudden importation of corn, and foreseeing in such a sudden importation no security for a permanent continuance of low prices, I shall give my decided vote against the proposition of the hon. Gentleman.

Viscount *Howick*, amidst general calls of "divide," observed that neither in the speech of the right hon. Baronet, or of the right hon. Gentleman the Secretary of State for the Home Department, had there been one word uttered attempting to contradict the two first Resolutions of his hon. Friend the Member for Wolverhampton. Had the last Resolution been worded to the effect "that it was expedient that all restrictions on the importation of corn be gradually abolished," the right hon. Baronet's speech would have been an unanswerable speech in support of the hon. Member's Motion. The whole purport of the right hon. Gentleman's speech was, that he could not concur in

the arguments of his supporters, that high prices did not produce high wages—that scarcity and dearness were not beneficial—and that plenty and cheapness were not evils. The right hon. Baronet's argument also was that his alteration in the Corn Laws had effected good—that this good was produced by a reduction of protection—and that, therefore, he claimed to act on principles which had produced so much benefit. This argument was consistent with the argument used by the right hon. Baronet the other evening, that all protecting duties were in themselves an evil. Let the House, therefore, observe, that the only difference between the right hon. Baronet and his side of the House was, as to the time when the change in the Corn Law system should take place. The right hon. Baronet proposed to keep the agriculturists under the harrow; he was desirous of keeping over them the impending change; and, at the same time, he acknowledged that the Corn Laws were vicious in principle, and must ultimately be abolished, though, at the same time, the right hon. Baronet did not attempt to urge the danger of delay. The hon. Member for Bridport pointed out the impossibility of finding a supply of food for the people if the harvest failed. The hon. Member for Sheffield followed up the same argument, but not the slightest attention was paid to the point by her Majesty's Government; with the danger before their eyes, with their eyes opened to the danger, Her Majesty's Ministers had apparently resolved to take on themselves the responsibility of maintaining the present state of things, and of following out the course they had laid down. This was all he wished to bring before the House. He wished the House to see that Government was as strong in favour of free-trade principles as the Opposition. The right hon. Baronet did not deny the necessity or the propriety of a change in the laws, but the right hon. Baronet would not consent to make the change, though no one who heard the right hon. Baronet's speech, could doubt that in their hearts the Government thought that the repeal of the Corn Laws was for the good of the country.

Mr. *Villiers* said, he had been misrepresented on one or two points, and this induced him to trouble the House for a few minutes; for he felt he should be wrong if he allowed the debate to close without correcting these misrepresentations. He had been charged with having misrepresented the right hon. Baronet, in having said, that in his Motion on the Corn Laws, the right hon. Baronet stated that the proposed change was not intended as a measure of relief for the people. He would state what he did say—he did not say one word about the reduction of protection. This was his argument—he said the right hon. Baronet had not done anything, according to his own avowal, to mitigate the Corn Laws, with a view to meet the wants and exigencies of the country, and to benefit the people. He said the right hon. Baronet, in bringing forward his measure, had not brought it forward with the view of mitigating the distress which then existed. The right hon. Baronet's reason was, that some protection which the landowner then enjoyed, ought to be dispensed with. And this charge he repeated. The right hon. Baronet had done nothing to meet the wants of an increasing population, the consequent exigencies of the country. The right hon. Gentleman the Secretary of War had asserted that the free traders were inconsistent in their arguments, and seemingly did not know what they wanted; nor did anybody else. In reply to this, he begged the right hon. Gentleman to read the debate that night, with the speeches made by the free traders; and then to say whether he could discover any discrepancy in their views—nay, doubt as to their objects. He thought, that there was such a general agreement as to the evil policy of restrictions on food, that he wanted to know how Government reconciled their opposition to the present Motion with their previous professions. The right hon. Baronet admitted that if the Corn Laws were repealed, great benefit would be derived to the manufacturing districts; he should be glad to know why this benefit should not be experienced likewise by the agricultural districts? The right hon. Baronet said, if the Corn Laws were repealed, 800,000 labourers would be thrown out of employ. If 2,000,000 quarters of corn were imported, 2,000,000 quarters less would be produced here, and 800,000 men would be thrown out of employ. Who was to make anything of this sort of argument? He would make one further observation, in reference to those hon. Gentlemen who were interested in the Corn Laws. He had no other way of expressing his opinion of their conduct that night,

than by saying that they had run away from—they had not faced—the question. He had asked the hon. Member at the head of the Protection Society, why the farmer was embarrassed—what was his state—and what he proposed to do to help him? He had asked him to state the condition of the labourer, and to take the present opportunity of telling the House how his condition was to be mended. Had there been a single Member who had given the House an account of the cause of the depression of the farmers?

The House divided:—Ayes 122; Noes 254: Majority 132.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Baine, W.
Bannerman, A
Barclay, D.
Barnard, E. G.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chapman, B.
Christie, W. D.
Cobden, R.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dennistoun, J.
D'Eyncourt,rt.hn.C.T.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, F.
Dundas, D.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Elphinstone, H.
Etwall, R.
Ewart, W.
Fielden, J.
Ferguson, Col.
Fitzroy, Lord C.
Forster, M.
Gibson, T. M.
Gore, hon. R.
Granger, T. C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hindley, C.
Hollond, R.
Howard, hn.C. W. G.
Howard, hon. J. K.
Howard, hon. E. G.G.
Howick, Visct.
Hume, J.
Hutt, W.
Johnson, Gen.
Langston, J. H.
Lascelles, hon. W. S.
Listowel, Earl of
Macaulay, rt.hon.T.B.
Marjoribanks, S.
Martin, J.
Matheson, J.
Maule, rt. hon. F.
Mitcalfe, H.
Mitchell, T. A.
Morison, Gen.
Muntz, G. F.
Murray, A.
Napier, Sir C.
O'Connell, M. J.
Ord, W.
Osborne, R.
Paget, Lord A.
Parker, J.
Pattison, J.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. C.F.C.
Protheroe, E.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.
Russell, Lord J.
Russell, Lord E.
Scott, R.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl of
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Stuart, W. V.
Tancred, H. W.
Trelawny, J. S.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vivian, J. H.
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Villiers, C.
Oswald, J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Astell, W.
Austen, Col.
Bagot, hon. W.
Bailey, J., jun.
Balfour, J. M.
Bankes, G.
Barkly, H.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Beresford, Major
Bernard, Visct.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Clayton, R. R.
Clements, Visct.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn,rt.hn.Sir G.
Codrington, Sir W.
Cole, hon. H. A.
Colvile, C. R.
Compton, H. C.
Connolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Deedes, W.
Denison, W. J.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Emlyn, Visct.
Entwisle, W.
Escott, B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Flower, Sir J.
Fox, S. L.
Fremantle, rt.hn. SirT.
Fuller, A. E.
Gardner, J. D.

Gaskell, J. Milnes
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, G. J.
Heneage, E.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Hervey, Lord A.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Howard, P. H.
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kemble, H.
Kirk, P.
Knight, F. W.
Knightley, Sir C.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lemon, Sir C.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Loftus, Visct.
Lopes, Sir R.
Lowther, Sir J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
McGeachy, F. A.
McNeill, D.
Mahon, Visct.
Manners, Lord C. S.
March, Earl of
Martin, C. W.
Martin, T. B.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Pollington, Visct.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Redington, T.
Reid, Sir J. R.
Repton, G. W. J.
Rolleston, Col.
Round, C. G.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Sheridan, R. B.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B, C.
Smythe, Sir H.
Smollett, A.
Spooner, R.
Spry, Sir S. T.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, E.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Tower, C.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Williams, T. P.
Winnington, Sir T. E.
Wodehouse, E.
Wood, Col.
Worsley, Lord
Wortley, hon. J. S.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H.

Adjourned at half-past two o'clock.

HOUSE OF COMMONS,

Wednesday, June 11, 1845.

MINUTES.] BILLS. *Public.*—1°. Arrestment of Wages (Scotland) (No. 2).

2°. Dog Stealing; County Rates.

Reported.—Sheffield Waterworks; Manchester and Birmingham Railway (Ashton Branch); Ashton, Stalybridge, and Liverpool Junction Railway (Ardwick and Guide Bridge Branches); Newport and Pontypool Railway; Lyme Regis Improvement, Market and Waterworks; Chester and Birkenhead Railway Extension; Lynn and Dereham Railway; London and Brighton Railway (Horsham Branch).

3°. and passed:—Newcastle and Berwick Railway; Manchester Improvement; Manchester Court of Record (No. 2); Bridgewater Navigation and Railway.

PETITIONS PRESENTED. By Mr. C. Bruce, from Members of the Presbytery of Elgin, against Grant to Maynooth College.—By Mr. Loch, from Merchants, Shipowners, and others, Members of the Wick and Pultenham Chamber of Commerce, for Reduction of Tolls and Dues levied by Lighthouses.—From Kirkeaton and Holmfirth, for Inquiry into the Anatomy Act.—By Mr. Bright, Mr. Busfeild, and Mr. Cowper, from a great number of places, in favour of the Ten Hours System in Factories.—By Sir H. Halford, from Framework Knitters of Derby and Leicester, praying for Relief.—By Mr. F. R. Kelly, Mr. Bankes, and Mr. Henley, from Guardians of several Poor Law Unions, against Parochial Settlement Bill.—By Sir H. Halford, Mr. Mitcalfe, Mr. Labouchere, and Mr. Stansfield, from several places, for Alteration of Physic and Surgery Bill.—By Mr. H. Drummond, from Kinnoul, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Philips, from Manchester, Salford, and other places, for Alteration of Law relating to the Sale of Beer.—By Mr. Liddell, from Trustees of Nathaniel Lord Carew, late Bishop of Durham, against Salmon Fisheries Bill.

DOG STEALING BILL.] Mr. *Liddell* moved the Second Reading of the Dog Stealing Bill, the object of which was to make dog stealing a misdemeanor, and to visit the second offence with transportation for seven years.

Mr. *Hume* objected to several provisions of the Bill, as opening the door to great oppression. He begged to move that the Bill be read a second time that day six months.

Captain *Berkeley* supported the Bill.

Mr. *Warburton* opposed the Bill, as awarding punishments disproportioned to the offence, and as being inconsistent with the mild spirit of recent legislation.

Sir *J. Graham* said, he believed it was well known that dog stealing was carried on in this city to an enormous extent, and it was also known that the present Police Act was quite insufficient for its prevention. The possession of a dog was a possession recognised in law; and, although he was not prepared to support all the provisions of the present Bill, he felt that he should act consistently with his duty in giving his support to the second reading.

Mr. *Watson* said, that, as the law stood at present, dog stealing could not be made the subject of an indictment for larceny; but it was punishable with fine, imprisonment and whipping, and surely that was enough to protect the pug-dogs of the old ladies of England.

Mr. *B. Escott* said, that the object of this Bill was to obliterate the wise distinctions made by the law of England, and to do so in the most cruel manner. He hoped there would be a division, and that the House would reject this ignorant and meddling attempt at legislation.

Sir *G. Strickland* felt opposed to the Bill. However, he thought that there were some clauses in it which aided the operations of the existing law.

The House divided on the Question that the Bill be now read a second time:—Ayes 67; Noes 23: Majority 44.

List of the AYES.

Aglionby, H. A.	Forman, T. S.
Ainsworth, P.	Fremantle, rt. hn. Sir T.
Allix, J. P.	Fuller, A. E.
Astell, W.	Gaskell, J. Milnes
Baillie, H. J.	Gladstone, Capt.
Barneby, J.	Godson, R.
Barron, Sir H. W.	Gore, M.
Beckett, W.	Graham, rt. hn. Sir J.
Beresford, Major	Greene, T.
Berkeley, hon. C.	Grimsditch, T.
Berkeley, hon. H. F.	Hamilton, W. J.
Boldero, H. G.	Hamilton, Lord C.
Borthwick, P.	Hawes, B.
Bruges, W. H. L.	Heathcote, G. J.
Buller, Sir J. Y.	Henley, J. W.
Busfeild, W.	Howard, hon. C. W. G.
Cardwell, E.	Howard, P. H.
Clayton, R. R.	Hughes, W. B.
Clerk, right hon. Sir G.	James, W.
Cockburn, rt. hn. Sir G.	Jermyn, Earl
Courtenay, Lord	Lincoln, Earl of
Cowper, hon. W. F.	Mackenzie, T.
Dalmeny, Lord	Mackinnon, W. A.
Darby, G.	Manners, Lord J.
Denison, E. B.	Marjoribanks, S.
Ebrington, Visct.	Mildmay, H. St. John
Egerton, W. T.	Miles, W.
Newry, Visct.	Vivian, J. H.
O'Brien, A. S.	Winnington, Sir T. E.
Peel, J.	Wortley, hon. J. S.
Pringle, A.	Yorke, H. R.
Protheroe, E.	Young, J.
Scott, hon. F.	TELLERS.
Smith, J. A.	Liddell, hon. H. T.
Sutton, hon. H. M.	Berkeley, Capt.

List of the NOES.

Baine, W.	Loch, J.
Brotherton, J.	Mitcalfe, H.
Dennistoun, J.	Mitchell, T. A.
Divett, E.	Norreys, Sir D. J.
Duncan, G.	Ogle, S. C. H.
Dundas, D.	Ricardo, J. L.
Escott, B.	Stansfield, W. R. C.
Esmonde, Sir T.	Warburton, H.
Fielden, J.	Watson, W. H.
Forster, M.	Wawn, J. T.
Gibson, T. M.	TELLERS.
Hindley, C.	Hume, J.
Irving, J.	Bright, J.

Bill read a second time.

THE COUNTY RATES BILL.] Sir *J. Y. Buller*, moving the Second Reading of the County Rates Bill, explained that the object of it was to enable magistrates in quarter sesssions to appoint committees from their own body to go from place to place, and to obtain information and returns, in order to equalize county rates. He avowed, that his measure was intended to make general the practice prevailing in Cumberland, and in some other counties. When the rates had been thus prepared, they were to be submitted to the quarter sessions for approval. The principle of rating was the same as in the Poor Law Act.

Mr. *M. Gibson* contended, that local taxation of this kind ought to be taken up by Government, and dealt with on a comprehensive scale. The Reports of Commissioners showed that the whole local taxation of the kingdom was in a most complicated state, and required to be simplified. The Bill before the House would do little or nothing towards the remedy of existing evils, and still left the whole power of rating in the hands of justices, who were themselves parties deeply interested. He complained also that the principle of rating was unjust, inasmuch as it made house and town property pay at least twice as much as land.

Mr. *Darby* did not object to the Bill going into Committee, nor did he agree with the objections of the hon. Member for Manchester. In particular, he thought that what the hon. Member said about the

difference between the assessment of land and house property was altogether unfounded. The land was always assessed to its full value, while houses were allowed a considerable deduction for repairs. That was a general principle all over the country. At the same time he thought the Bill, from its cumbrous machinery, with regard to appeals, would give rise to an enormous expense. He admitted the great difficulties of the subject, and he should have been surprised if its promoters had been able wholly to overcome them. He would not, therefore, object to the Bill going into Committee, *pro formâ*, though he should probably object to some of its details at a future period.

Mr. *Brotherton* thought there ought to be a uniform system of rating adopted all over the country; but he did not object to this Bill going into Committee.

Mr. *Henley* approved generally of the measure, and thought its promoters were entitled to the thanks of the House for bringing it forward.

Mr. *Hume* wished that a Bill of a more comprehensive nature should be brought forward; and by the Government. He had formerly brought a general measure on this question forward, and he was then told that it was the business of Government to deal with such large questions, and he was, therefore, obliged to withdraw it. He hoped the right hon. Baronet, when he had leisure, would turn his attention to this subject. When that took place, he trusted, some provision would be made for the ratepayers having some control over the funds which they contributed. He also wished that some provision should be made for auditing the accounts of the magistrates. At present they were the only parties in the kingdom whose accounts were unaudited by persons separate from themselves.

Sir *J. Graham* said, the hon. Gentleman was a hard taskmaster. On a late occasion the noble Lord the Member for London reproached the Government with discouraging legislation by private Members. Here was an attempt to legislate on a practical question by private Members; and the hon. Gentleman reproached the Government with not having taken the subject into their own hands. With regard to the present measure he did not consider it as professing to deal with the whole question of county rates; but still it was a measure which would benefit the counties to a considerable extent. It was the nearest approximation that could be made to an equal system of rating, without having recourse to a new survey altogether. The hon. Gentleman spoke of the magistrates not being trustworthy managers of the funds. He believed, on the other hand, that under their care the rates were faithfully and carefully managed. Perfect publicity was given to every part of their transactions, and considerable scrutiny took place into their details. He would go on to say, that the magistrates were the persons who contributed most largely to those rates, and had the greatest interest in keeping down the expenditure. At the same time he must observe, that the whole subject of local taxation must shortly come before the House. The Report made on that subject by the Poor Law Commissioners was a most valuable one; and, looking to the facts brought out there—to the fact that in some places twenty-two different rates were levied—it was plain it would become the duty of the Government to look at the subject as a whole. He was satisfied, if that were the case, that a large saving would be effected. Still, he saw nothing in this Bill that would prevent that, and, therefore, he would support its second reading.

Mr. *M. Gibson* said, as his objections were to the details, he would not oppose the second reading.

Bill read a second time.

Smoke Prohibition.] House in Committee on the Smoke Prohibition Bill.

On the 1st Clause,

Mr. *Hawes* suggested that the 1st Clause relative to the appointment of inspectors, be postponed till the Bill of the noble Lord (Lord Lincoln) with regard to nuisances in towns was laid before the House, as probably the same inspectors would do for both objects.

Mr. *Mackinnon* said, if they postponed this clause, it was equivalent to postponing the Bill altogether. He proposed to appoint the inspectors, subject to the regulations contained in the noble Lord's Bill.

The Earl of *Lincoln* did not think that the measure he was about to propose regarding the health of towns, would at all facilitate the present measure, as that Bill was to be entirely of a permissive nature, leaving it with the local authorities whether they would adopt it or not. He thought, however, it would be better to omit this

clause, as the subsequent clauses gave power to any parties who felt aggrieved by the nuisances, to obtain a remedy, without having recourse to an inspector.

Mr. *Aglionby* thought an inspector would be of use; for, if no person were appointed to look after the matter, what was every body's business would be nobody's.

Mr. *Mackinnon* said, the object he had in appointing inspectors was this:—Suppose a gentleman annoyed with smoke from his neighbour in the country, he might not like to prefer a complaint, but he could mention the matter to the inspector, who would at once take it up.

House counted out, and adjourned at half-past seven o'clock.

HOUSE OF LORDS,

Thursday, June 12, 1845.

MINUTES.] BILLS. *Public.*—1ª. Landlord and Tenant.

3ª. and passed:—Bail in Error.

Private.—1ª. Dundee and Perth Railway; Manchester Improvement; Manchester Court of Record; Newcastle and Berwick Railway; Bridgewater Navigation and Railway; Clydesdale Junction Railway; Newcastle-upon-Tyne Coal Turn; Caledonian Railway; Simmonds' Divorce.

2ª. Lutwidge's (or Fletcher's) Estate; Bowes' Estate; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church; Kidwelly Inclosure; Whitby and Pickering Railway; Lynn and Ely Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Glasgow Bridges.

Reported.—Hawkins' Estate; Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Berks, and Hants Railway; Midland Railway (Syston to Peterborough); Leeds and West Riding Junction Railway; Taunton Gas; Great Grimsby and Sheffield Junction Railway; Lowestoft Railway and Harbour; Hull and Selby Railway (Bridlington Branch); Southampton and Dorchester Railway; Kendal and Windermere Railway; Blackburn, Darwen, and Bolton Railway; Edinburgh and Hawick Railway; North British Railway; Yarmouth and Norwich Railway.

PETITIONS PRESENTED. By Bishop of Ely, from Borden, and Kirton in Lindsey, for Alteration of Sale of Beer Act.—From Winterton, for the Suppression of Intemperance, especially on the Sabbath.—By Bishop of Ely, from Watton, for the Better Observance of the Sabbath.—By Bishop of Ely, from Broxholme, and North Carlton, and from Gravesend, against Increase of Grant to Maynooth College.

LANDLORD AND TENANT LAW AMENDMENT BILL.] Lord *Portman* laid on the Table a Bill for giving compensation to tenants in England for improvements effected by them in certain cases. He considered that it was necessary to make provision that tenants should be compensated for improvements effected by them on estates of minors, or estates held of ecclesiastical corporations, or on estates managed by the Court of Chancery; for in all these cases the party who expended the money had no security for due compensation. Steps should also be taken to counteract the evil consequences on leases for lives, of which remarkable examples were to be met with in all parts of the country. Their Lordships were not unaware of the difficulties which the Committee, which had sat during the last Session of Parliament to inquire into the subject, had experienced; and he must express his conviction of the almost impossibility of finding a remedy to meet the various evils connected with the question. He thought, however, that the best mode to be adopted was by means of agreements entered into by landlords and tenants, which should be equally binding on the heir of the parties and the purchaser of the land. One of the evils of the present system was the gradual expiration of leases for life, as it prevented the improvement of the estate. Leases for life held under private individuals and under the Ecclesiastical Commissioners were subject to similar evils; for in most instances the tenant who made improvements had no security that he or his family would reap the advantage. The chance of compensation ought not to be dependent upon the honour of a landlord or the character of his family; but a tenant ought to have a legal certainty, that if he spent money upon another man's property he should have a distinct return for it; and the only two methods of securing that were by well-arranged leases and the law. He felt considerable difficulty in addressing their Lordships after the statement of his noble Friend (Lord Stanley) on Monday evening. There was this great difference between his (Lord Portman's) Bill and that of his noble Friend—that whereas the Bill he now presented to their Lordships contained only four clauses, that proposed by his noble Friend contained a much greater number. Their Lordships, it would be recollected, had assented to the principle of the Bill of his noble Friend, and agreed to refer it to a Select Committee; but in Committee he was convinced it would not be found practicable to proceed with the Bill, as in providing for the evils it was intended to remedy, it would inevitably produce others of still greater magnitude. He felt that the great evil to be remedied was, that at present there was no law which gave to the tenant who improved the property of his landlord any security

for the due remuneration for the labour and capital expended. Every man under such circumstances ought to have not only a moral but a legal certainty, that if he spent money in improving another man's land, he would have an adequate return. The only way to effect this was, by a well-arranged system of leases, or by the enactment of the Legislature. But in default of an especial arrangement between the parties, which was merely optional, and could be defeated by the refusal of the interested party, the landlord, it was necessary to give the tenant an independent legal security by the Act of the Legislature. The plan he proposed was this—that it should be enacted that it should be lawful for any tenant of any land holding the same from a landlord, with or without lease of any kind, within six months prior to the expiration of his lease, or prior to quitting the land from notice of the landlord, to claim compensation, not exceeding the amount of three years' rent on the whole, for tillages and for permanent improvements, whereof he had not had the benefit and enjoyment for such a number of complete years as the contract between the parties or the custom of the country might have fixed, deducting from such claim the value of the enjoyment thereof that he might have had in each year after the completion of such work, unless such work had been done in pursuance of any regulation in the leases; to extend to such improvements only as permanently increased the value of the land, as the tenant might have made, or should have been made by contracts signed by each party, and after the term of the tenancy had commenced. He meant by that to distinguish between an original bargain made between a landlord and tenant, and any bargain which circumstances enabled them to make during the term of the tenancy. He further proposed that a landlord should have the right to claim within six months compensation for any damage done to the land by neglect, or by undue cropping thereof. So that each party would reciprocate in the benefit, if benefit it was, of the proposed plan; and that if, in the course of such arrangement, as to such works, for compensation to the landlord, for injury done to his land, or to the tenant, any dispute should arise, the same should be determined, upon forwarding the terms of the contract or the custom of the country to two arbitrators, one to be appointed by the landlord, and the other by the tenant; and in the event of any failure, the matter should be referred to petty sessions, so as to ensure the arbitration being carried out, and the amount of the award be either added to or deducted from the rent, as the case might be, and the performance of it enforced in one of Her Majesty's superior courts of record. It would have been most desirable, instead of making use of the expressions "custom of the country," to have endeavoured in the schedule of the Bill to state to what remuneration should be given; but he found it impossible to frame any schedule to meet the case, and as there were existing customs in the country that were recognised and had the force of law, there would be no difficulty in the arbitrator carrying out the customs of the country in which the land was situated. The Bill of Lord Brougham to simplify leases would carry out the object which he (Lord Portman) had in view.

After a few words from Lord *Beaumont*,

Bill read 1ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 12, 1845.

MINUTES.] NEW WRIT. For Edinburgh County, v. William Ramsay Ramsay, Esq., Chiltern Hundreds.

BILLS. *Public.*—1°. Timber Ships.

2°. Poor Law Amendment (Scotland).

Reported.—Banking (Ireland); Fresh Water Fishing (Scotland).

3°. and passed:—Banking (Scotland).

Private.—1°. Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railway Companies Amalgamation.

Reported.—West Cornwall Railway; St. Ives Junction Railway; Totnes Markets and Waterworks (No. 2); Manchester and Leeds Railway; Eastern Union Railway; Wakefield, Pontefract, and Goole Railway; Manchester, Sheffield, and Midland Junction Railway; Newark and Sheffield Railway.

3°. and passed:—Caledonian Railway; Clydesdale Junction Railway; Dundee and Perth Railway; Aberdeen Railway.

PETITIONS PRESENTED. By Mr. Colquhoun, from Members of the Bath Church of England Lay Association, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Fox Maule, from Inhabitants of Kincardine O'Neil, and Portmoak, for Better Observance of the Lord's Day.—By Mr. Colquhoun, and Mr. Dugdale, from several places, against the Grant to Maynooth College.—By Mr. Colquhoun, and Mr. Lockhart, from Glasgow, against Universities (Scotland) Bill.—By Mr. F. Maule, and Lord James Stuart, from Fifeshire, and Ayr, in favour of Universities (Scotland) Bill.—By Mr. O. Gore, from Occupiers of Land in the Parish of Hinstock, Salop, for Relief from Agricultural Taxation.—By Mr. Parker, from the Cutlers' Company of Sheffield, for Repeal of Duty on Copper Ore.—By Mr. Henley, from Reading and Henley, for Al-

teration of Law relating to Highway Rates.—By Mr. Boyd, from several places, for Alteration of Banking (Ireland) Bill.—By Lord Ashley, from several places, for Establishment of County Courts.—By Mr. Jervis, from Attorneys and Solicitors practising in Chester, for Removal of Courts of Law and Equity to Inns of Court.—By Lord Ashley, and several other hon. Members, from an immense number of places, in favour of the Ten Hours System in Factories.—By Mr. Barnard, from W. Palmer, of Deptford, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Bankes, from Justices of the Peace, of Cerne, Dorset, against Justices' Clerks and Clerks of the Peace Bill.—By Lord Ashley, and several other hon. Members, from Beaminster, and a great number of other places, for Alteration of Physic and Surgery Bill.—By Mr. Kemble, from George Bottomley, Member of the Royal College of Surgeons of England, for Postponement of Physic and Surgery Bill.—By Sir James Graham, from John M'Millan, of Aconel, Yorkshire, in favour of Physic and Surgery Bill.—By Mr. Lockhart, from several places, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Blewitt, and General Lygon, from Newport, and Stourport, in favour of the Salmon Fisheries Bill.—By Viscount Palmerston, from William Marris Dinsdale, of Walworth, Gentleman, for Inquiry into the merits of his Plans for the preservation of Life and Property from Shipwreck.

ISLE OF MAN.] Dr. *Bowring* begged to draw the attention of the right hon. Baronet the Secretary of State for the Home Department to the following circumstances, which had reached his knowledge; and as it was a case which involved the liberty of the subject, and which seemed to attach much blame to the functionaries in the Isle of Man, he would, with the leave of the House, and to secure himself against giving any high colouring to the facts he was about to state, read from printed documents the circumstances which had occurred:—On the 9th day of September, 1844, Sarah Coldicott, the wife of Mr. John W. Coldicott, an English stranger, went before James Quirk, esq., high bailiff of Douglas, and made her affidavit, charging her husband with assault and battery, and using threatening language, and stated that she was apprehensive of some serious bodily injury from her husband. The *jurat* of the affidavit was in these words: "Taken and sworn before me, J. Quirk." The affidavit was referred to J. Heywood, the deemster, who ordered, on the 9th of September—

"That the said John Waters Coldicott be forthwith apprehended and imprisoned in the gaol of Castle Rushen, there to remain until he do enter into a penal bond unto our Sovereign Lady the Queen in the sum of 40*l.*, with two good and sufficient sureties in the sums of 20*l.* each; that he, the said John Waters Coldicott, shall and will keep the peace toward the said Sarah Coldicott, and all others Her Majesty's subjects, for the space of six months, and that before his discharge he do pay the costs of his imprisonment in this order."

In consequence of this order and affidavit, on the day of their date a constable named Lee apprehended Coldicott, and with the greatest despatch hurried him ten miles from home, and committed him to the gaoler of Castle Rushen, refusing him the opportunity of consulting legal counsel before he was marched off. After Coldicott had been a prisoner more than a month, John Kermode, of Douglas, instituted certain civil proceedings against him to recover a debt of some 14*l.* In consequence of this his furniture in Douglas was arrested, and some process of detainer of his person in gaol was issued. Coldicott, in his ignorance of the law, and supposing he had now become Kermode's prisoner, petitioned his Excellency the Governor to grant an order for his support. This application was resisted by Kermode's advocate in open court, denying that Coldicott was in custody at Kermode's suit. On this the prisoner applied to the Clerk of the Rolls to learn the result of his application for maintenance, and got the following for answer, under the hand of the Clerk of the Rolls:—

"J. W. Coldicott *v.* John Kermode—for maintenance.—Defendant denies that petitioner is imprisoned at his suit. Petitioner was imprisoned at the suit of his wife for a breach of the peace."

The prisoner thus learning his true position, viz., that he still remained a prisoner under the order of Deemster Heywood, suspended further efforts for his relief until the 25th of March last past. Previous to this, however, Kermode's arrest of prisoner's household goods in Douglas had been abandoned, and the arrest was laid on prisoner's portmanteau, which he had with him within the four walls of the gaol, and which contained some watches, besides sundry necessary articles for his comfort and subsistence while a prisoner. These being thus taken from him, left him in a state of great destitution. He had been lying in close confinement for six months and a half, and he then presented a petition to the Governor and Council, praying for his immediate discharge. In this memorial the prisoner particularly set forth the irregularity of the proceedings, the illegal steps by which he had been deprived of his liberty—disclosed the fact that he was a free-born subject of Great Britain, and a

freeholder in England to a considerable amount—he averred that the facts alleged against him by the complainant, his wife, were palpably and absolutely false, and that he had no doubt this prosecution and imprisonment were resorted to in order to gratify malice, and subserve some ulterior designs. On this petition being presented to the Governor, he, instead of entertaining it, and causing the effects of alleged grievvance to be investigated before himself and council, referred the whole matter to Deemster Heywood, the very party whose order constituted the grievance complained of in the memorial; said reference appearing by order, made on the margin of the petition, in these words—"Referred to Deemster Heywood.—J. Ready." This laconic order had no date or place of execution; however, it was made between the 25th of March and the 3rd of April; for the memorial was presented on the first-named day, and the deemster acted under the executive order on the day last named. On the 3rd of April, 1845, Deemster Heywood again possessed himself of Coldicott's case, and assumed to act therein. What is there peculiar in point of time? Why, on the 9th of September previous, the deemster had required the prisoner to find securities to keep the peace for six months, and six months only. Now, on the 3rd of April, that said six months had expired, and twenty-four days over; during all which time the prisoner had most punctually kept the peace, having nothing to war against but the thick and indurated walls of Castle Rushen; thus the condition and full requirement of the original order of commitment had been fully kept to the letter, and twenty-four days over. An able memorial of the prisoner was sent in to the deemster, in which he denied the facts alleged against him by his wife, and for which he had been imprisoned. Nay, more, he had referred in that memorial to collateral facts, documentary and other evidence, rendering the woman's story incredible, and furnishing other motives in the complainant than the ends of justice, which led to the prosecution. It was undoubtedly the duty of the deemster, if he could sustain the matter at all after the six months had elapsed, to have opened the whole case, and have gone into an examination of the alleged grievances before he could act with the least safety to the ends of justice. But what was the deemster's course under these circumstances, and what did he? Why, without any notice given to the prisoner, or allowing him a hearing, he placed his paper before him, and penned the following order:—

"In consideration of his Excellency the Lieutenant Governor's reference of this petition to me, and it appearing that the petitioner has been in gaol a considerable time, and unable to procure the bail required by my order, dated the 9th of September, 1844, it is hereby ordered that the said order be set aside, and the petitioner discharged from gaol upon his entering into his own bond, at the Roll's Office, to our Sovereign Lady the Queen in the penal sum of 40*l.*, that he shall and will keep the peace towards his wife, Sarah Coldicott, for the space of three months, and upon his paying the fees incurred under the previous order, dated the 9th of September, 1844. Given this 3rd of April, 1845.

"J. J. Heywood, *Deemster.*"

The prisoner had prayed in his memorial to the Executive, that he forthwith be discharged from his imprisonment. He based that prayer on the fact, that the proceeding had been irregular and void from beginning to end—that, being denied the privilege of answering for himself, but hurried off to gaol without trial, examination, or opportunity to show cause why he should not be imprisoned, the whole proceeding was contrary to law, tyrannical, and oppressive—that the complaint against him was an unqualified falsehood, superinduced by malice and revenge, and ulterior motives, which need not here be repeated—and, finally, that the time had expired for which he was ordered to find sureties of the peace, and twenty-four days over; hence the order of commitment had been exhausted, and its object obtained. For these cogent and overwhelming reasons the English prisoner claimed the rights of a British freeman and a British freeholder in these terms:—

"Your petitioner, therefore, prays the most serious consideration of your Excellency, and of the hon. Members of your Excellency's council, of this, to him, most important petition; and that your Excellency's decision may be that your petitioner be forthwith discharged from his imprisonment under the said order of his Honour Deemster Heywood, of the 9th day of September, 1844."

To this prayer Deemster Heywood replied—

"It may be all true that you are an English freeholder; it may be true that you have been

aggrieved by a false accusation brought against you, in bad faith; and although the six months to which I had adjudged you to keep the peace have long since expired, yet, inasmuch as you have had the temerity to complain against Manx oppression, and to question the infallibility of breast-law, I hereby adjudge you to pay the cost of the former proceedings, and bind yourself in a penal bond of 40*l.*, to extend three months longer, before you can leave these prison walls."

The above, in effect, was Deemster Heywood's order, in response to a humble prayer for release. On this new order coming to the knowledge of the prisoner, he addressed a memorial to his Excellency the Lieutenant Governor, in a further petition presented to him on the 8th of April last. In this memorial the prisoner goes on to say—

"Petitioner considers the latter order on the face of his said petition as not only insulting, but a most glaring injustice, and further violence to his feelings, personal liberty, and character;"

and he adds, that he ought not to comply with the last named order, as it seemed intended to thrust him into the world as a disgraced and marked man, making tacit confession of his guilt by complying with the order. Obtaining no hearing or redress on this last-named petition, the prisoner, on the 12th of April last, submitted a memorial to Deemster Heywood, in which he showed the judge by a clear, conclusive, and unanswerable argument, that he, the judge, had violated the law, as well as common justice and common sense, in every step which he had taken in this most extraordinary and unfortunate affair; and he begged the deemster, that for the sake of common justice, and for the credit of the jurisprudence of the island, he would lose not a moment in discharging the prisoner, without costs or recognizance. On the 18th of April the prisoner drew up a memorial expressing his grievances, addressed to the right hon. Secretary of State for the Home Department. What he (Dr. Bowring) wished to ask the right hon. Baronet, with reference to the case which he had brought under his notice, was, whether his attention had been called to the circumstances under which John Waters Coldicott was arrested and long imprisoned in Castle Rushen, in the Isle of Man?

Sir *J. Graham* said, the hon. and learned Member had made rather a long statement; and, if he was not mistaken, had read it principally from a Manx paper. He was prepared to admit that a communication had reached him on the subject; and he had, in consequence, sent on the day that he had received it to the Isle of Man, for some explanation of the facts stated. He had not yet received that explanation; but when it arrived, which he expected would be in a few days, he should be able to give a reply to the question put by the hon. Member.

Dr. *Bowring* asked the right hon. Baronet, whether any measures had been taken to provide against the delay of justice which had resulted from the nonholding of the Chancery Court in the Isle of Man?

Sir *J. Graham* said, that the delay complained of arose entirely from the serious illness of the Lieutenant Governor

POOR LAWS (SCOTLAND).] On the Order of the Day for the Second Reading of the Poor Law (Scotland) Bill; and on the Motion that the Bill be now read a second time,

Mr. *Rutherfurd* said, he was sorry to oppose the progress of a measure which had for its object the improvement of the laws of Scotland relating to the poor; but after the best and most mature consideration, and looking at the state of the law and the amendments proposed to be made by the Bill, he had found objections to the measure; and others besides himself had also discovered objections to it, which were so serious, so extensive, and so well founded, as well in respect to its details as to its leading enactments, as to render it absolutely imperative on him to oppose its further progress. He was quite aware of the inconvenience which such a step might produce; but he thought that there were far greater inconveniences to be apprehended if he did not take it, inasmuch as no evils were so serious as to assent to a law which did not satisfactorily adjust the question it was intended to settle, while the discussions which such a measure would give rise to, both in doors and elsewhere, would bring into action a variety of passions, and of conflicting interests, highly detrimental to Scotland. In order that the House might clearly understand the objections he was about to make, he must commence his observations by giving a sketch of the state of the law as it at present stood in Scotland. [The right hon. Member was here interrupted by the noise of conversation at the Bar. When order had

been restored he proceeded.] He knew the subject was a dry one to Members not immediately interested; but it was one of vital importance to Scotland, and therefore he trusted that he should receive the indulgent attention of the House. The Poor Law of Scotland consisted of two Acts, the first passed in 1579, and the other sometime in the seventeenth century. These, with certain proclamations of the Privy Council issued in 1698, formed the whole body of laws for the relief of the poor in Scotland. The provisions were — first, that relief should be given to all permanently disabled poor; that was a very wide phrase. He wished it to be understood that his observations applied to the permanently disabled poor; and this distinction was the more necessary, as there was another question of great magnitude, the relief of the able-bodied poor, on which there was much diversity of opinion. But the object of the Bill was the relief of the permanently disabled poor; and to that point, therefore, he should address his observations in the first instance, and before he sat down, he would, with the permission of the House, touch on the other branch of the question. With respect to the permanently disabled poor, the law, as it now stood, had provided that all persons incapable of supporting themselves, having no funds of their own, nor any relations bound by law to support them, should be provided for by parochial assessment. In every parish in Scotland, the law had established parochial boards to distribute relief to persons so situated, and empowered to make provision for such relief by assessment. In the borough parishes those boards consisted of the magistrates and the kirk sessions, and in the landward parishes, as they were called in Scotland, of the heritors and kirk sessions. The magistrates in the one case, and the heritors in the other, were not only empowered, but by law called on to do this duty by preparing annual lists of the objects entitled to relief, and by providing, through assessment, the necessary funds. In burghs, the rules, as the law now stood, were anything but satisfactory. The rule was, that the assessment should be levied on what were technically called means and substance, which comprehended stock in trade, money in the funds, no matter where, ships in harbour or at sea, or in any other shape whatever. One way or another these were ascertained, as they should see presently; but that was the mode in which the assessment was made. In the rural parishes a different mode was adopted. The assessment was divided into two parts, one part to be levied on the proprietor of the land, and the other on the occupying tenant. The latter part of the assessment was not a counterpart of the first; but was to some extent levied on means and substance as in towns. The parochial boards had power to enforce their assessment by legal process. This was a part of the law which undoubtedly stood on a most unfavourable footing, and that was the imperfect means which existed of compelling the parochial boards to move the machinery with which they were entrusted. The sheriff might be applied to; but he had only power to order the parties to meet, and if the relief ordered at such meeting was inadequate, the only remedy the pauper had was an appeal to the Court of Session. Now, the Court of Session was equivalent to the Court of Queen's Bench in England, being the supreme law court of the country; and when the relief granted by the parochial board was inadequate, that Court would tell them that they must do their duty, and grant more adequate relief, or answer to the Court. The power of assessment, he must remind the House, the selection of the parties who were objects for parochial relief, and the extent of the relief which should be given to them, were subjects which were left in the hands of those who themselves were interested in keeping the assessment down. He did not find fault with the policy of the law in that respect. It was right to insure a very economical management of those funds; and he thought it was well insured by allowing those parties who were called upon to discharge that duty to be parties who were assessing themselves, and who, as they were paying sums of money which were required by law for the performance of that duty, would see that it was performed with sufficient economy, supposing them honest in the discharge of their duty; but then, what he wished to impress upon his learned Friend the Lord Advocate was, that if they had persons interested in the assessment, themselves selecting the objects for and the amount of relief, they must take care to provide for the pauper an easy, expeditious, and inexpensive appeal to the courts of law. They must take care that that relief was not withheld which every consideration of policy and humanity required should be given. He would ask the House to observe what had been the history of the administration

of the Poor Law in Scotland. The Commissioners had told them that in many parishes in Scotland the support which had been provided for the poor was altogether insufficient. He was here speaking of the permanently disabled poor; and the Report stated, much to the discredit of the country, that in some of the parishes, and those including such towns as Edinburgh and Glasgow — Edinburgh especially — when an application was made to the magistrates complaining that the relief offered was insufficient, they refused to put on such an assessment as those having the management of the poor thought to be necessary. If there had been an easy appeal open to the poor, such would not have been the result of that application. It had been often considered that the Court of Session was not the proper Court in which to try the question of the adequacy of relief to the pauper, and in that opinion he was very much inclined to concur; and he thought that without much difficulty a cheaper and better remedy might be provided. At the same time, he would observe here, that the Court of Session, acting with great judgment and prudence in the cases brought before it, was slow to interpose at all. It then did interpose to say that it would not allow that the Poor Law should be made an illusion and a mockery, and in two cases it interposed with a stronger hand and said, "What you propose to do is a delusion and a mockery; go back; consider the case, we won't pronounce what is adequate relief." And in a very significant manner they hinted that such cases should not come before them again. The Commissioners proposed that the jurisdiction of the Court of Session should be abolished on the question of adequate relief. But they did not propose to substitute the jurisdiction of the sheriff of the county—an officer not like the sheriffs of this country—but a judge of the land, capable of judging in cases involving any amount of property. The Commissioners considered the propriety of leaving it to that officer, but they thought it better not to do so; neither did they propose to give it to any central board. They simply proposed to take away all jurisdiction and power of appeal whatever; and the right of parties to relief, and the adequacy of the relief, were questions which were left with the parochial authorities. And what was to be the remedy? Why that there was to be a board of supervision, whose duty would be to collect information as to the state of the poor all over Scotland, and to communicate it to the Secretary of State, so that that officer should lay it upon the Table of the House; and then the Commissioners supposed that those immense blue books would be read all over the kingdom, by everybody, and would thus excite such an amount of public opinion, that those parochial authorities, in deference to the public opinion so excited, would be compelled to give sufficient and adequate relief to the poor. That really did appear to him (Mr. Rutherfurd) to be one of the most simple and delusive imaginations that ever proceeded from so learned a body of men. In such cases, compelling men voluntarily to tax themselves, public opinion must always operate very imperfectly; but to suppose that the public opinion which would be occasioned by reading those blue book reports would do that which the existing right of appealing to the courts of law, which the acknowledged legal right on the part of the poor, which every consideration of charity and humanity had hitherto been unable to effect—to suppose that that could be effected by public opinion, was, to him, one of the most astonishing propositions which was ever laid before that House. The Bill proposed that the Court of Session should retain its jurisdiction as to the adequacy of relief; and now he came to one of the leading parts of the measure then before the House, which was, that there should be a board of supervision before whom, in the first place, a pauper complaining that the means of relief provided for him were not sufficient should make a good case; and that being done, the Board had no power under the Bill to give final relief; they could only give interim relief; and then they said to the poor man, "You have good cause of complaint, and we will allow you to go on and litigate your case before the Court of Session." All that he then obtained was a pass, allowing him to proceed before that court. If the board of supervision should think, however, that the pauper had not made good his cause, then, as far as the pauper was concerned, the matter ended; but if the parochial authorities were not satisfied with the decision of the board, they still had the power of dragging the pauper before the Court of Session. He asked whether it was just or reasonable that the poor man should not be allowed to get to the Court of Session except by permission of the board of supervision; whilst, in opposition to the de-

cision of the board, he could be taken there by the parochial authorities? That was the position of the Bill. Though he entirely dissented from the proposal made by the Commissioners, yet he much preferred it to such a monstrous system as that; for the Commissioners' recommendation did rest upon a broad principle—a principle which had been administered by great political economists and humane men. The board of supervision would be attended with great expense. One of its members was to be paid, and, to discharge his duties well, he must be highly paid. There was to be a paid secretary, and he also must be well paid. They were to have power to order any of their members to any part of the country, and to employ persons, not their own members; and it appeared to be anticipated that the inquiries to be entered into would be of a very formidable description. Yet, that expensive board was to be appointed, it would seem, for no other purpose than that of furnishing annually information to the Secretary of State with respect to the operation of the Poor Law in Scotland. He wished to ask whether the Reports of the Commissioners, which filled three enormous volumes, did not contain sufficient information to enable them to legislate upon the subject without any more; for his own part, he doubted much whether any more information could be desired. He came now to another objection connected with the question of assessment and the board of supervision. He should have expected on the part of a Government bringing forward a measure to place the Poor Law on a more efficient footing, that they would have considered on what principle the mode of rating rested. It rested at present on Acts of Parliament which had been passed, some as far back as 1579, and was applicable to distributions of property which no longer existed. Now, it was very obvious that what might have been a perfectly fair mode of rating at that earlier period, might by change of circumstances have become a very unfair mode. Rating might be levied of every man's "means and substance." Were they to go to every man and demand an account of the property upon which he was living; consisting as it might of stock in trade, profits, sums in the public funds, and so on? That was the law as it stood at present; and this Bill did not abolish it, but only gave an option to the parochial boards to substitute an assessment according to the annual value. There were, at this moment, questions pending in the courts of law upon this very subject, and yet these anomalies were left unsettled by the Commissioners and by this Bill. Why not at once adopt the rental only as the ground of assessment? "A man's means" would not decide whether a party residing in two parishes should be rated to each the whole amount of his means. Suppose, for example, a gentleman had 12,000*l.* a year in the funds, and that he lived in two parishes; was he to be rated in both according to his means and substance, and not according to the amount of his property in each parish? He contended, that in a measure brought in to render efficient the state of the law relative to the poor in Scotland, such important matters should have been clearly defined and pointed out. At present the town parishes were assessed upon a totally different footing from that upon which the assessment of rural parishes rested. In the rural or landward parishes the assessment was according to a man's "means and substance;" but in the burghs there was no certain mode of assessment. In the burghs "use and wont" had been the rule. But in the rural parishes there was no such mode as "use and wont." It was, however, proposed to be enacted by this Bill that the rural parishes should be assessed in the same way as the towns. This, in his opinion, was objectionable. In the towns the landlord was relieved from all burdens of assessment, unless he was an occupant. If he were not an inhabitant, then his property would be relieved, and the burden would be placed upon the inhabitants. Another portion of the Bill empowered the parochial boards to classify the property, and assign a different mode of rating for the assessment, as it might deem proper. The result of this would necessarily be a different mode of assessment all over the country, especially in the rural districts, according to the opinions of the different parochial boards. He thought it a very grave matter that this point should be further considered before the Bill was proceeded with. This Bill might have been very applicable two centuries ago; but at the present day it must be attended with great injustice and oppression. As to the assistance of the kirk session at the parochial board, in conjunction with the heritors, that might have been well enough when the Church of Scotland was a united body; but since the kirk session no longer represented

one-half of the people, their assistance would not be acceptable, and it might have been much better if they had been altogether left out. On the whole, he must be allowed to say that very little consideration had been given to this measure, and that it demanded much more deliberation before the House consented to pass a measure which must be productive of infinite discontent, and must lead to great litigation. These were some of the objections which he strongly entertained with regard to the administrative powers created and conferred by this measure. In respect to the practical operation of its provisions upon the poor, he thought there were objections which deserved consideration. He entertained great doubts as to the propriety of extending the period of residence, for conferring a right of settlement, to seven years. He considered that after a man had been resident in a parish three years, and, by his industry, been beneficial to that parish, he was entitled to support in the event of his becoming a pauper. Seven years was too long a period for the acquirement of a settlement. It would throw back the settlements of paupers generally upon the parishes of their birth. If they prolonged the period for obtaining a settlement by industrious residence from three years to seven years, they would render it so difficult for a party to establish any settlement at all, that they would be obliged to go back to the settlement by birth. There had been a great deal said about the removal of paupers from one country to another. The 70th Clause gave a power for the removal of English and Irish paupers from Scotland. In the mean time, if a Scotch pauper was sent from England or from Ireland to Scotland, the parish into which he was conveyed would be liable to maintain him until his place of settlement should be found. This was a point which required a great deal of consideration. With respect to the proposed combination of parishes, as a general principle he approved of it. But the mode in which it was proposed to be effected was most objectionable. It was proposed to take the Parliamentary boundaries as a guide for combining parishes or parts of parishes. But those boundaries were fixed upon without any consideration as to parochial interests. The Bill was going entirely upon caprice, and they were acting altogether at random. They ought to consider the thing by itself, and with reference to all the circumstances of the town or district where the union was proposed to be effected. The House could form no conception how much they were affecting private property by this capricious mode of legislation. They were taking a portion of the parish of South Leith, where there were no poor, and a great deal of wealth, and adding it to a part of Edinburgh, where there was no wealth, and a great deal of poor. The property in Leith would thus be deteriorated from 10 to 15 per cent. Surely that was a matter that ought not to be hastily decided upon. There were, no doubt, provisions in the Bill to which no one could object. The privileges of exemption from rates, for example, enjoyed by the College of Justice and officers of the Queen's Household were very properly to cease. They were exemptions odious and unjust. There was something unjust, however, in obliging parishes to maintain casual paupers, without any indemnity, until the settlement of the pauper should be ascertained. That fact might not be found out for eight or ten years. He knew a case now in a state of litigation bearing upon the very point, which had been going on for four years, and it might go on for four or five years longer. But the objections which he entertained against the Bill, upon these and other grounds, were so numerous, and struck so deeply at the very principle of the measure—which (and he spoke it with all respect) appeared to him to be so imperfect in its nature, and so inadequate to meet the real merits of the case, and so unlikely to effect a final settlement of the subject, that he thought the House had better pause before proceeding further. He thought it would be infinitely better to postpone the Bill for the present, and let it go down to the country for which it was intended, and be there fully considered. He did not think the Government would do more than relieve themselves from a temporary embarrassment, if they precipitated it in the face of so many, and, in his opinion, such conclusive objections to it. With respect to medical relief, it was impossible in many of the parishes, where the population was much scattered, that medical men could live by the ordinary practice of their profession; and he thought it, therefore, of great importance that some means should be taken in any Bill regulating the Poor Laws, to establish in the remote counties some mode of giving medical relief to the poor, by paying medical officers who would attend upon the poor.

There was another subject to which he wished to allude—the able-bodied poor. As the law now stood, it was in rather an unsatisfactory state. In his opinion, under the existing law of Scotland, no able-bodied pauper had the right; but the question had been tried about forty years ago, and, with much division of opinion, the majority of the Court deemed relief was due as of right: the matter, however, was not settled, and he thought that the able-bodied poor should not be entitled to relief as of right, for they could not establish such a right without a system of workhouses; but he doubted whether it would not be proper to leave to the parochial authorities power in particular and urgent cases to give relief; and if they were permitted to impose an assessment for such temporary purposes, he saw no great danger of that power being abused. By withholding the right, but giving the power, they would be introducing a better state of things. Every one desired an improvement of the law on proper principles. He did not, therefore, propose that the Bill should not be read a second time. He was willing that it should go forward, that it might receive all possible improvement in a Committee of the whole House, or in a Committee up-stairs; but, entertaining the objections he did, he would have been wanting in his duty to his country, if he had not detained the House, and detailed the grounds of his objections.

The Earl of *Arundel* and *Surrey* said, that he was desirous to call the attention of the House to some speeches that had been made at a meeting in Scotland, the purport of which was, to recommend the exclusion of Roman Catholic priests from the poorhouses in Scotland. He objected to such sentiments coming from the members of the Free Church of Scotland, and thought that they came with worse grace from them, inasmuch as they were claiming toleration for themselves. He hoped that means would be found of providing for the spiritual wants of the poorer classes of the Catholic population of Scotland.

Colonel *Wood* was desirous to ameliorate the system as much as possible. He objected to the proposed enactment as to the Law of Settlement; and concurred in the views of the right hon. Gentleman who recommended the reduction of the period of residence to three years from seven years, in order to gain a settlement. If they adopted the plan of the Bill they would make it a Birth Settlement; and all the evils which attended the power of removal under English Poor Law would be thrown upon Scotland. The parishes would then squander in litigation the money that ought to be given to the poor. Just as they facilitated the gaining of a settlement, would they facilitate the change of settlement, and if they made it a Seven Years' Settlement, a change would be almost impossible.

Mr. *Sharman Crawford* said, that if the state of the poor in Scotland was such as had been represented, the administration of the law could not be left in worse hands than those at present entrusted with it. There had been great cruelty and tyranny practised, and unpardonable neglect in providing what was necessary. In order that they might know what law ought to be applied to Scotland, they should know what was the real condition of the poor in a great part of that country. Now, a great part had been subjected to a system the most barbarous for exterminating the poor holders of land, and for converting the land into sheepwalks, He wanted to know the reason why such things occurred, and whether there was anything in the new law which would check or remedy them? A statement had lately appeared upon very good authority on this subject in *The Times* newspaper. He referred more particularly to what had taken place in Glencalvie. The writer refers to his former statement with regard to the dispossessment of the tenantry of Ardgay near Tain, Ross-shire, parish of Kincardner, consisting of the inhabitants of Glencalvie, to the number of ninety people. The estate is stated to be that of Major Charles Robertson, of Kindeare; his factor being Mr. James Gillander. He then went on to say that—

"These eighteen families, cousisting of ninety-two individuals, supported themselves in comparative comfort without a pauper amongst them; that they owed no rent, and were ready to pay as much as any one would give for the land, which they and their forefathers had occupied for centuries, but which, it seems, is now to be turned into a sheepwalk."

He next proceeded to describe—

"Behind the church, in the churchyard, a long kind of booth was erected, the roof formed of tarpauling stretched over poles, the sides closed in with horsecloths, rugs, blankets, and plaids. On inquiry I found that this was the refuge of the Glencalvie people. They had

kept their word, and saved their bondsmen. With the exception of two individuals who were permitted to remain, the whole of the people left the Glen on Saturday afternoon, about eighty in number, and took refuge in this tent erected in their churchyard. Their furniture, excepting their bedding, they got distributed amongst the cottages of their neighbours; and, with their bedding and their children, they all removed late on Saturday afternoon to this place of temporary shelter. They had been round to every heritor and factor in the neighbourhood, and twelve out of the eighteen families had been unable to find places of shelter. A fire was kindled in the churchyard, round which the poor children clustered; two cradles with infants in them were placed close to the fire. Of the eighty people who passed the night in the churchyard with most insufficient shelter, twenty-three were children under ten years of age, seven persons were sickly and in bad health, and ten above sixty years of age—about eight are young married men; there are a few grown-up children, and the rest are persons in middle life, from forty to fifty years of age. On the Monday following they met Mr. M'Kenzie's agent, who paid them the amount agreed upon for their stock; each family had, on an average, about 18*l.* to receive; as the allowance for their stock and their proportion, 72*l.* 10*s.* was agreed to be paid them for going out peaceably. The sum they had to receive is an evidence that they were not in the condition of paupers; but this sum will soon be spent in looking for a settlement, and then they must become paupers."

He wished to ask what kind of a Poor Law that must be in Scotland which permitted these unfortunate persons to be turned out of their lands, and that no one should provide them with assistance or shelter? What were the heritors or the kirk sessions doing, that these things should be allowed? The system was not confined to the district to which he had referred—it extended over the whole Sutherland estate; that estate covered a district of from ninety by seventy miles in extent, and consisted of rock and heather-covered hills, with arable straths and glens. Nearly the whole county was parcelled out into sheepwalks, held by a few individuals. As an example, it appeared in evidence that Mr. Donald Macdonald, of Lochinvar, rents 30,000 acres—the whole a pasture — and employed only eleven shepherds. If a proper Poor Law existed, would these things be? There was a statement of great importance in reference to this subject made in Sir George M'Kenzie's evidence. Speaking of the crofts he said—

"Some of my friends have adopted the crofting system, which is a cruel system. They give the people little patches of land, and when the district is improved, the landlord finds it for his interest to let it to one man, and then these poor people are sent adrift."

What a cruel and barbarous thing it was to give these poor people patches of land, and when they had made improvements to turn them out! The result was thus summed up:—

"These expatriated victims became the germ of a debased and helpless population, and thus the clearance system not only operates on those who are the immediate objects of it, but on the whole surface of society, diffusing general pauperism and mendicancy in one class, and a heartless apathy and indifference in others."

These were all material points to be considered when they were speaking of a new Poor Law for Scotland. They ought to know by what means these abuses were to be removed, and how they intended to provide that these people should not be left in the condition he had described in the churchyard. The system which was going on in Scotland was driving the people to their old pastoral life. With regard to the sums paid for relief, he found that—

"In the parish of Lairg, Sutherlandshire, the highest amount given to puapers on the roll is 10*s.* per year, the lowest 2*s.* 6*d.* There is a large quantity of arable land, but a very small portion under cultivation. There is no employment whatever."

It was said by *The Times* writer—

"The road from Lairg to Tongue is about forty miles. The Glens were formerly peopled; all have been cleared out. In that forty miles of country I did not see six houses nor six people; all have been cleared out; there was scarcely a tree or a stone wall or anything to see on all sides, as far as the eye could reach, but the barren heath, over which sheep and lambs were running about."

And this was the condition of large districts of Scotland. Next, with regard to the poor in Glasgow, Captain Miller, superintendent of police at Glasgow, said—

"A man in a dying state was sent in a cart to Langbourn, where he was supposed to have a legal claim. He died before reaching that place; his body was returned to Glasgow, with a letter from the kirk treasurer, desiring no more to be sent in that state, but that he would pay the expenses of interment."

Captain Miller declared of the poor in Glasgow, that—

"Hundreds of persons die annually in Glas-

gow from diseases produced by want of sufficient nourishment."

Captain Thompson's evidence was to the same effect:—

"The consideration," he said, "is not what the poor require, but what is the smallest practicable amount of relief which they can possibly be obliged to give."

As to the amount of assessment and relief, it appeared that on the legal assessment for Kilmore and Kilbride, which commenced October, 1841, the amount levied was 7*d.* in the pound. They fell back on the voluntary system; there were sixty poor on the roll, several bedridden; and on an average the allowance was 8*s.* 6*d.* per year—2½*d.* per week, combined with begging; and the second class begged for the first class. It appeared also that the average of five counties, with a population of 341,000, was 8*s.* 6*d.* per year—2½*d.* per week! Such a system required amendment; and the dispensing of relief should not be left in the same hands as at present. In the account published in the same newspaper that morning, he found Sutherlandshire described, from Tongue to Scowrie, as consisting of—

"Vast districts, formerly thickly peopled, but now barren wilds, without a hut, or a tree, or a cottage, or a wall, or any sign whatever of human habitation and industry often for twenty miles. There is no independent middle class to speak out."

The consequence was that there was no protection for the poor; they were without hope, and the country was in a state of desolation. [Sir *J. Graham:* Desolation?] Yes, desolation. [Sir *J. Graham:* In Sutherlandshire?] Yes, in Sutherlandshire; and, if these accounts were not true, then it was quite time they should be contradicted. If, however, these accounts were true, they ought to be attended to in the construction or consideration of any Poor Law. Any hon. Member who pleased would now have the opportunity of contradicting them. The constitution of the boards now proposed would not give sufficient protection to the poor, especially with the regulation as to appeals to the Court of Session. The Irishman, in effect, would gain no settlement; as soon as he became chargeable, he would be removed, and landed on the shores of Ireland, where the law gave him no settlement, and where the law gave no power to send a Scotchman home. But by this Bill, under the 72nd Clause, a poor man might actually be treated as a vagabond in certain cases, and for no cause but a second time wanting relief. [Sir *J. Graham:* It is the law in England now.] Then it ought to be repealed. It made it no better to say it was the law in England, or in any country. The able-bodied man, too, falling into distress, would not have sufficient protection; his relief ought not to be dependent on the mere will and pleasure of those who had shown themselves so parsimonious in their dealing with the poor; he was entitled to the relief necessary to save him from starvation.

Mr. *Loch:* Sir, before the learned Lord (the Lord Advocate) proceeds to discuss this Bill, I wish to say a few words, because I can supply some information on the subject of the most amazing mis-statements respecting the condition of Sutherlandshire, to which allusion has been made by the hon. Member who has just sat down. I happen to have been acquainted with that county for the last thirty years; and I can say, that there is no set of tenantry in the world, that form so anxious a care to their landlord. I can state, as one fact, that from 1811 to 1833, not one sixpence of rent has been received from that county; but, on the contrary, there has been sent there, for the improvement and benefit of the people, a sum exceeding 60,000*l.*, in addition to the entire rental being laid out there. There is no set of people more industrious than the people of the county of Sutherland. Thirty years since, they were engaged in illegal distillation to a very great extent; at the present moment there is not, I believe, an illegal still in the county. Their morals have improved, as those habits have been abandoned; and they have added many hundreds—I believe thousands—of acres to the land in cultivation since they were placed upon the shore. Previous to that change to which I have referred, they exported very few cattle, and hardly anything else; they were also, every now and then, exposed to all the difficulties of extreme famine. In the years 1812-13 and 1816-17, so great was the misery, that it was necessary to send down oatmeal for their supply, to the amount of 9,000*l.*; and that was given to the people. But, since industrious habits were introduced, and they were settled within the reach of fishing, no such calamity has overtaken them. Their

condition was then so low, that they were obliged to bleed their cattle during the winter, and mix the blood with the remnant of meal they had, in order to save them from starvation. Since then the country has improved so much, and the fishing in particular, that in 1815, in one village alone, Helmsdale (which previous to 1811 did not exist), they exported 5,318 barrels of herrings; in 1820, 28,192; in 1825, 34,492; in 1830, 23,310; in 1835, 28,377; and in 1844, 37,594 barrels, giving employment to about 3,900 people. That extends over the whole of the county; 50,000 barrels were cured in the county. Do not let me be supposed to say that there are not cases that require attention; it must be so in a large population; but there can be no pains taken by a landlord, or by those under him, that are not bestowed upon that tenantry. It has been said, that the contribution of the heritor to one kirk session for the poor was but 6*l.* Now, in the eight parishes which are properly called Sutherlandshire, the amount of the contribution of the Duke of Sutherland to the kirk session is 42*l.* a-year. That is a very small sum; but that sum merely is so given because the landlord thinks that he can distribute his charity in a way more beneficial to the people; and the amount of charity which he gives—and which is, I may say, settled on them, for it is given regularly—is above 450*l.* a year. Therefore, the statements that have been made, so far from being correct, are in every way an exaggeration of what is the fact. No portion of the kingdom has advanced in prosperity so much; and if the hon. Member (Mr. S. Crawford) will go down there, I will give him every facility for seeing the state of the people, and he shall judge with his own eyes whether my representation be not correct. I could go through a great many other particulars, but I will not trouble the House now with them; the statements I have made are accurate; and I am quite ready to prove them in any way that is necessary.

The *Lord Advocate* said, before he proceeded to notice the remarks of his hon. Friend the Member for Leith, to whom he had listened with the greatest attention, as he always did to whatever fell from him, he would notice a circumstance which had been alluded to by the hon. Gentleman opposite, with reference to the occurrences that had lately taken place in the highland district of Glencalvie. The proprietor of that estate was at present residing abroad, in New South Wales, and the estate was under the care of managers in his absence. And though he was by no means disposed to approve or to defend the system of a wholesale removal of tenants from a property of this kind—that was, where the tenantry held small possessions—yet he must say, that the result of the inquiries he had made with regard to this case were such as to satisfy him that greatly exaggerated statements had gone abroad with regard to it. It was not a case, as the first place, where the persons were suddenly ejected; because negotiations had been going on between the landlord and the tenantry for a period of two years with regard to their removal, and arrangements for that purpose had been concluded to their satisfaction; and they declared a year ago that they would remove at a certain period. On the faith of that, the land was let to another person; and it was, therefore, impossible that the landlord could continue them, when they changed their minds and desired to remain. For then the landlord, as he had been informed, had given them an abatement of rent, had made some of them payments in money, and had made them offers of assistance in the way of emigration, if they chose to emigrate; and so far from their being in a state of destitution, 100*l.* had been paid to some of the parties, as the value of the stock upon their lands; so that altogether the statement was greatly exaggerated. At the same time, he did not defend this system of wholesale removal. If it was from any cause thought proper or necessary to diminish the number of persons on any estate, it ought to be done by a gradual removal, because the effect of that was to throw a number of persons at once in search of situations the most difficult to be obtained. A gradual removal would not be attended with the same difficulties; and while he said that the case had been greatly exaggerated, he did not mean to say that he approved of the system of wholesale removal. With regard to the observations which had been made by the hon. Member for Leith on the provisions of this Bill, he must say, notwithstanding these observations, he entertained a confident hope that the Bill would be productive of great advantage to the people of Scotland, and that there would be no

difficulty, when it was passing through the Committee, to adapt its clauses to such modifications as might be suggested, so that it might completely accomplish the purpose for which it was intended. He was not indisposed to listen to any suggestions which might be made at that stage of the proceedings. He would now proceed to notice in detail the particulars which had been dwelt upon by the hon. Gentleman. In the first place, a point was made against the Bill in that portion of it which deals with the appeals from the local authorities as to the quantum of relief. For his own part, he did not concur in, and he had not followed out, the suggestion which was made by the Commissioners, that there should be no control whatever over the local authorities with regard to the amount of relief to be given to a pauper. It did not appear to him that that was a course which ought to be adopted, at least for the present. At the same time, he must say that he had more confidence in the salutary effect of public opinion as to the amount of aliment to be given, than his hon. and learned Friend seemed to have. He thought there was a great deal in the observations of the Commissioners upon this subject; and though he should not rest the matter upon that, for the present at least, and allow the paupers to suffer all the inconveniences of the present system till public opinion had worked a change in that respect, yet he confidently expected that, ere long, public opinion would effect an improvement in the condition of the poor. But his hon. and learned Friend thought that this measure was worse than that recommended by the Commissioners. The Commissioners proposed to leave the paupers in the hands of the parish authorities; and he thought that the present measure was worse, because it in some measure shut the door against an appeal to the Court of Session. When the pauper was at present refused relief, he could appeal to the sheriff, and the sheriff could compel the parochial board to take up the case and consider it. But the sheriff could not require the parochial authorities to give relief. Now, he had provided in this Bill that the sheriff might require them to admit the pauper on the roll: so far, the pauper's position was improved. At present, when a pauper was dissatisfied with his quantum of relief, he could appeal to the Court of Session; but it was scarcely to be supposed that he could have the means of prosecuting his claims. That he was a pauper, was a sufficient answer to the supposition that he would prosecute his claim. Unless he obtained aid from benevolent individuals, he must sue *in formâ pauperis*, when he would have the benefit of having his case conducted by lawyers who were appointed by the Court, and he was freed from certain charges. But in order to be entitled to that, his case must be considered by certain parties appointed by the Court, who reported whether he was entitled to the benefit of that mode of suing or not. Now, the proposition he (the Lord Advocate) made, was this: he proposed that the pauper should first apply to the board of supervision; and if the board of supervision should be of opinion that his case was a good one, then he should be entitled to sue in the Court *in formâ pauperis*, the same as if he had obtained the opinion of the lawyers; but he further provided that the board, in the mean time, should fix a proper amount of aliment, and that the parochial board should be bound to give that in the mean time. He considered that this was a matter of material importance in this way, that, without any expense, he should have the benefit of an increased allowance; and he anticipated pretty confidently that the practical result would be, that the opinion of the board of supervision would be decisive, and that the parochial board would give the pauper no farther trouble, but would give him the increased allowance. But it was said, that if the opinion of the Board of Commissioners was unfavourable to the claim, he would not be entitled to sue *in formâ pauperis*. He would not. But would the House consider how the matter stood? The case implied that the parochial board had already considered the case, and judged of it. He believed that in England that would be conclusive. But it implied further, that if the pauper was dissatisfied with the decision of the parochial board, he might appeal to another tribunal—to a tribunal which was not actuated by the same feelings as the parochial board, but consisted of parties appointed by the Crown to judge of these cases. He did not understand that his hon. and learned Friend would object to this, if the opinion of the board was to be conclusive out and out; but he agreed that if their decision was to be conclusive against the pauper, why should it not be

conclusive against the parish? He must say, that he did not feel any strong aversion to its decision being rendered conclusive against the parish. But the House would observe this, that if the decision of the board was adverse to the pauper, it inferred this—that the parochial board had considered the case and given judgment, and that the court of review concurred in opinion with the parochial board; and their concurring opinions might fairly be presumed to be correct. But if this court of review—the board of superintendence—differed from the parochial board, then there was not the same concurrence of opinion; and in that state of matters, the parochial board might reasonably be allowed to call in the Court of Session to decide between them. The provision in question was calculated to check the pauper and also the parish. The hon. Gentleman had stated, there was no attempt made to abolish the mode of rating by means and substance; but in the whole of the evidence taken before the Commissioners, there was no fault found with it when administered fairly. On the contrary, the assessment on means and substance had several opinions in its favour. The town of Greenock was adverse to any disturbance of that system, and so was the town of Dumbarton. Was it wise to disturb it, therefore? The Bill, however, gave an optional power to the parties to get rid of that mode and adopt another. There was a power to classify also in existence; and doubtless the parochial board would modify the rate in their respective districts. It was urged against the Bill by his hon. Friend, that it gave a power of imposing rural burdens; but that power was liable to the control of the board of supervision. His hon. Friend had objected to the introduction of the kirk session in burgh parishes; but they had at present the power of interference, and there was, consequently, nothing novel in the principle. The introduction of the principle of a certain amount of estate being requisite to enable farmers to sit on the parochial boards, was for the purpose of getting rid of the unwieldy system that prevailed at present. The period of residence being lengthened to seven years, he (the Lord Advocate) defended on the highest authorities. Some had proposed ten years, and others had proposed less; but he was of opinion that he medium of seven years was the best that could be selected. With respect to the removal of English and Irish paupers, he considered that the want of an adequate provision for those parties in their own country, as in the case of the latter, was no sufficient reason why they should be left as a burden on Scotland. A Scotchman had no right to relief in Ireland; and to send an Irishman to Ireland would be no hardship, as he would be in a starving state in Scotland if he needed relief. In regard to the erection of poorhouses, he was of opinion that they would be useful in some towns; but he thought it better to leave it to the parishes themselves, as he had some doubts of the general advantages of poorhouses for the poor. Allusion had been made to the want of spiritual regulation; but he certainly thought that no objection could be taken to the Bill on that score. The union of parishes objected to by his hon. Friend, he considered one of the best features of the measure; and he considered the Parliamentary boundary as the best basis of that system of junction. With respect to the medical portion of the measure, he had given the parishes a power to obtain it in those districts where it was most desired. In conclusion, he defended the Bill from the objection of his hon. Friend, that it did not provide relief for occasional distress — such as sickness; but sickness was, in point of fact, disability; and disability came under the operation of the principle of the measure.

Mr. *Hume* regarded the whole question as full of difficulty. He saw the danger, on the one hand, of giving greater powers, because they might be abused; and, on the other, he perceived the difficulty of leaving the paupers in a starving condition without the means of getting relief. He could scarcely say that he had had much experience in Scotland himself on this matter; but, judging from the opinions of the borough he represented, from which he had received a full statement, and which, though differing on many points, concurred in the difficulty of legislation, he did not know but that the most prudent course would be to let the Bill lie over till next Session. If a wrong step were taken, incalculable mischief might be done. Should the Bill not be postponed till another Session, he should then recommend that it be sent to a Committee up-stairs. He had once considered the change effected in this country with refer-

ence to the Poor Laws as a progression to a good system from a bad; but he confessed that he had not seen all that benefit resulting from it which he had anticipated, and therefore he was now anxious, in reference to the Scotch Poor Laws, not to take a step which might be in the wrong direction.

Mr. *Colquhoun* concurred with the hon. Member for Montrose, that nothing was more full of doubt and difficulty than any question relating to the Poor Laws. At the same time, he hardly concurred in the practical conclusion at which the hon. Member had arrived. The hon. Member seemed to entertain sanguine expectations from a Committee up-stairs; but it was not improbable that if one were appointed, there would be as many conflicting opinions in it as there were Members upon it. Besides, he thought that they had quite enough in the shape of reports on the question. He thought that the board of supervision would effect more than the hon. Member for Leith expected; for, besides having the power of giving relief, it would be called on to make reports to the Government, and thus the public exposure which would be insured of any flagrant case of inadequate relief, would have a salutary effect. This simple fact of exposure appeared to him to be a great amendment. He asked the hon. Member for Montrose whether in cases and in parts of Scotland where relief was in adequate, he could seriously propose that the question should be hung over for another year, and that Parliament should not now be called on interfere to put down that horrible state in some districts in Scotland, where the relief at present afforded was inadequate; and which inadequate relief might be continued, unless some measure of amendment were passed? He observed that the parochial boards were to be constituted partly of kirk sessions—ecclesiastical courts which the hon. Member for Leith disparaged; and which, after the late convulsion in the Church of Scotland, had been, no one could doubt, deprived of much of their moral influence. At the same time it must be borne in mind, that in an important Report, drawn up by the General Assembly in 1839, the value of the services of kirk sessions was very strongly set forth. With regard to the qualification in landward parishes, he thought, that as it was fixed by the Bill, it was decidedly too high; and he might also mention that he had seen a petition from Dumbarton, in which the petitioners expressed their anxiety that the principle of assessment on means and substance should be maintained, but which principle they feared would be effected by some of the provisions of the Bill. He likewise thought that a proprietor who was non-resident, but whose property was within a landward parish, which should be constituted a burghal parish, should be subject to assessment to the full amount of his property. In conclusion, the hon. Member observed, that in a country situated like Scotland, nothing could be more unwise than to introduce a system of relief for able-bodied men. He feared it might increase vice, and create difficulties which it would be found almost impossible to remedy.

Mr. *Edward Ellice*, jun., adverted to the difficulty of framing a measure which should apply to the different sorts of population in Scotland. With respect to the general board, he thought it ought to be constituted to be the sole party adjudi cating, without appeal to the Court of Session. In the Highlands of Scotland it was nonsense to talk (and he spoke from what he knew of the condition of that part of the country) of the likelihood of the parochial boards, constituted as they were, ever assessing the parishes. Thus the poor man was completely in the hands of the proprietor of the soil. He was generally distant from any place where he could obtain relief, and removed from all the advantages derived from living among a town population. He might live on a spot many miles from the main land, where every person on the island was under the dominion of the lord of the soil. The parochial board would be solely in the interest of the landlords; the same objection applied to the inspector, who must live in the place. In the Highland parishes, where would they get an inspector who was not a large tenant, and under the dominion of the landlord? The machinery of the Bill must be quite different and distinct from that of the English system. Many causes had conduced to bring about the present state of the Highlands; he should not dwell upon them; they were copiously detailed in the evidence taken by the Commissioners; he believed they took every pains with the subject; and he only wondered how any reasonable per-

son, after hearing that evidence, could have made such a Report as they did. That evidence proved the state of things in the north of Scotland to be a perfect disgrace to a civilized country; it was most deplorable that such a state of things should continue to exist; but there was no power given in this Bill to put a stop to it. The hon. Member for Rochdale (Mr. S. Crawford) had alluded to statements which had appeared in a newspaper; he (Mr. Ellice) did not wish to give any opinion as to the course adopted in making the clearances that had taken place in the Highlands. No doubt, in many cases, those clearances had been made with a regard to what was believed to be the interest of the population; in other cases they had been made solely with a regard to the increase of profit to the proprietor of the soil. But whatever the condition of the people might have been at that time, the condition of the people now showed that the system had not led to good, for the state of the population was wretched in the extreme. He had witnessed it, and he knew it. It was very well to talk of the people engaging in the herring fishery; but that lasted but two months of the year, and what could they do during the rest of it? They had been deprived of the opportunity of cultivating the soil, which rendered them independent in their own way; and as to the general result of the clearance system in the Highlands, from what he had himself seen, no one could say the state of those districts was creditable to the country. Allusions had been made to certain reports now coming from the Highlands; he did not mean to mix himself up with the opinions expressed in those reports; he did not say how far they were exaggerated, or how far they were true; but, he did say, that he felt grateful to any persons, or any public body, who would bring the state of things in that country before the public. As to the relief that should be given to the poor, he did not want to see it provided for the able-bodied; if it was, looking at the standard of living in that country, he believed they would have the greater part of the parishes thrown upon the rates; he would confine relief to the pauper and the impotent, and, in bad seasons, occasional aid might be afforded to the able-bodied: it was not reverses of trade which caused distress in the Highlands, so much as unfavourable seasons. But, whatever the relief might be, as long as it was given by parties locally interested, it would not be sufficient; unless some authority was given to the central board, the parties so interested would not voluntarily assess themselves. The Bill was deficient in stating what sort of relief was to be given; it ought not only to be in money and food; medical relief was also necessary. A kind of relief was also required that would lead to the permanent bettering of the condition of the people, so that if unable to maintain themselves in their own country, they might seek a subsistence elsewhere. This they could only effect by spreading education among them; at present the children were growing up in total ignorance of the English language; and, from the same deficiency, the people were unable to come to England for employment. With respect to medical relief, great suffering and great mortality were caused by the impossibility of obtaining it; numbers of unbaptized infants died from want of medical attention after their birth. No system of relief would be efficient unless it included a provision for medical attendance. Why should parishes in Scotland be exempted from charges to which property in England was liable? No landlord in the north of Scotland was compelled to pay a groat to the poor; and let them look at the taxes for this purpose paid by property in England. With regard to the north of Scotland, he looked at the Bill as anything but an efficient or well-devised measure, and he thought it would be better to let it go over to another year. He hoped the right hon. Baronet would consent to postpone the measure; it did not in the least provide for the Highlands, to which, by a moderate assessment, great relief might be afforded.

Mr. *Scott* hoped that the right hon. Baronet would not postpone the measure; the state of distress which the Reports of the Commissioners exhibited was so urgent, that he thought not even a night should be lost in passing a measure for its relief. This measure was, in his opinion, a well-considered and well-digested measure, meeting most of the evils which existed, although deficient certainly in some of its minor details. As to the acquirement of a settlement after seven years, he entirely concurred in the provision of the Bill. It was well known that the influx of Irish into Scotland was a great cause of

pauperism in that country; that was especially so at Glasgow; and, therefore, he thought the provision of the Bill requiring a seven years' residence in order to gain a settlement was very judicious. He fully agreed with the hon. Member who spoke last as to the general board; he thought that the powers of the board of supervision ought to be greater than they were, and that they should have the means of compelling parishes to assess themselves. In a parish in Scotland with which he was acquainted, there had been an assessment for many years; and, so far from producing the evils anticipated, there was as much voluntary charity, as much good feeling, and as much independence, as in any other part of Scotland, and the number of paupers not larger than the average. The principle of the Poor Law in Scotland was excellent; the practice was defective; but little was wanted to make the system perfect. What they wanted was an assessment; and it was a great mistake to say that the feeling of the people generally was against the enforcement of assessment. Whatever class of the community they took, a great proportion of each class would be found to support that enforcement. Their course ought to be to give to the board of supervision the power of making an assessment. Without, then, opposing this most excellent measure, he pressed upon the Government the propriety of enforcing assessments.

Mr. *P. M. Stewart* regretted that the Government seemed determined to press this most important Bill this Session. It would have been much better to have sent it to a Select Committee. He denied that this Bill effected any improvement in the management of the poor in Scotland. He defied any hon. Gentleman opposite, from the Lord Advocate downwards, to prove that any benefit would result from it. Without entering into the details of the Bill, he took objection at the threshold to the two administrative bodies proposed by it. The central board was open to most serious objections, as had been pointed out by the hon. and learned Member for Leith. Of all the members of that board none would enjoy the confidence of the country, except the Provosts of Edinburgh and Glasgow. Then, how anomalous were the powers given by the Bill to that board! Nothing could be more disgraceful than the present state of the poor in Scotland; and if the Bill offered any prospect of improving that state, he should hesitate before he opposed it; but he felt assured that the poor would be placed in a worse position by the measure. The parochial board was a worse board than the board which now existed; and they imposed upon it additional duties. There were eighty-eight clauses in the Bill, and it would be quite impossible to amend it in the present Session. Under these circumstances he felt bound to resist its further progress. The Poor Law system of Scotland had been praised; but directly the light was let in upon it, the sturdiest Scotchman felt ashamed of it. In their Bill the Government maintained the general principle of the existing law; but by the establishment of the supervisional board they were adding increased evil to what was so bad before. If the Lord Advocate carried his measure this Session, he would next year introduce a Bill to amend it; but what a disgrace to that House to consent to so anomalous and absurd a position! This was a Bill for the lairds and heritors, and not for the poor of Scotland; and, as a friend to the poor, he resisted its enactment. It professed to be a Poor Law, but it was no law for the benefit of the poor. He should offer to it an humble and respectful, but at the same time most determined opposition.

Sir *J. Graham* said: Sir, after the very strong opinion the hon. Gentleman has expressed with regard to this Bill, I confess I am surprised that he should not have concluded with some substantive Motion against it; because if it is a Bill for the heritors and lairds, and not for the poor, he, as a Scotch Member, has not done his duty in not having proposed its rejection. But, Sir, this subject has been long under the consideration of the Legislature. During nearly two years the Government and the Legislature have had this subject before them. The Royal Commission, whose Report is now on the Table of the House, was issued in 1843. Of course the appointment of that Commission raised expectations among the poor of Scotland, who had been in a state of extreme misery, if not of oppression. That Report has been on the Table of the House since the commencement of the Session, and the Government have given it their fullest attention. The hon. Member for Montrose, who has carefully applied himself to the whole of the evidence, admits that he labours under some doubts on the subject of the re-

medy to be applied to existing evils. Some hon. Gentlemen have urged further inquiry; but after the full and entire investigation of the subject which has taken place, if there are still doubts entertained, I do not think that any further investigation would tend to remove them. The subject having been so long before the Government and before Parliament, it appears to me that the time has arrived when something must be done—when we are bound to take some steps towards the settlement of the law relating to the poor in Scotland. I do not think that it would be worthy of this House to institute a mock inquiry, which such further inquiry must be, in order to gain time. Such being the state of the case as regards inquiry, this Bill is to be dealt with as it is; and if in principle it is so erroneous, and if in its details it is so bad as some hon. Members represent it to be, then undoubtedly it would be the duty of the House to resist the second reading. The Government, in framing the Bill, have endeavoured to adhere as much as possible to the ancient law of Scotland with respect to the poor; while they have also endeavoured to remedy the evils that have arisen under it. With respect to the question of assessment, there exists amongst the highest authorities in Scotland great difference of opinion as to whether assessment should be made general. I think, that under the present circumstances of Scotland, with the wide-spread and growing necessity which exists for relief, general assessment is most desirable; but, considering the difference of opinion which prevails on the subject, I think it is infinitely more wise to leave the public of Scotland, by a voluntary act, to adopt assessment themselves, rather than by an enactment to make it compulsory. This Bill is framed on that principle. It does not, in terms, compel assessment; but, practically, I feel confident that it will gradually lead to its adoption. With regard to appeal, I think that the process of appeal which the law has hitherto given to the poor has been illusory, and from its very nature open to great abuse. I believe that the appeals must necessarily, if multiplied, fall into the hands of low practitioners, seeking employment, and give rise to the worst feelings between the richer portion of society who contribute relief, and those who seek to obtain it by compulsory processes; and this is one reason why there should not be any further delay. This brings me to the appeal in the first instance which this Bill substitutes for the appeal to the Court of Session. The hon. Member for St. Andrew's would prefer a board, every member of which was nominated by the Crown. I think that the combination of nomination by the Crown, and of parties holding high station, and owing that station to popular influence, and the admixture of persons possessing local knowledge, does constitute the excellence of this board, and entitle it to public confidence. I certainly have the strongest opinion that the presence on this board of the Lord Provost of Edinburgh and the Lord Provost of Glasgow, will give additional importance to the board. The presence of the Solicitor General for the time being connects the board directly with the Executive Government. From his avocations he will always be present in Edinburgh; he is a great legal authority; and he will form a connecting link between the Government and the board. With the addition of the three sheriffs, this board will combine with legal knowledge local knowledge of the most important description. There is also vested in the Crown the power of appointing three Commisioners. I am bound to say, that on the whole, I think a better tribunal could not be formed. With respect to the objection that new obstacles are raised against obtaining relief, let me observe, that we give an appeal to this tribunal; and if the tribunal of appeal concur with the tribunal in the first instance, and are of opinion that relief should be rejected, I do not think there can be any hardship, the one tribunal knowing the local circumstances, and the other applying the law to the facts. In this Bill there is an important provision, to which I do not think any Gentleman has referred. We do give for the first time a cheap, easy, and ready appeal against the absolute refusal of relief. Against such refusal we give an appeal to the sheriff, or his depute, the latter being always resident in the county. Now, let me just state to the House why I think this Bill contains a provision which will improve the administration of the Poor Law in Scotland, in the sense of meeting the just claims of the poor to further assistance and kinder consideration. We have had experience in this country of the vast importance of constantly visiting the poor claiming relief at their own dwellings. As the law now stands in Scotland, there is no such parochial visitation. This Bill provides, that in every parish in Scotland there shall be an inspector appointed, whose duty it shall be to visit at their own dwellings the poor on the roll. The only objection made to that provision is, that the inspector may be appointed by the local board. That board

is composed of the minister, the heritor, the elders in kirk session, and, where assessment is introduced, the representatives of the ratepayers. If you say that the representatives of the ratepayers are not worthy of confidence, I have not one word to say in reply; but if they are to be intrusted with the administration of relief at all, I must say, that, subject to the supervision of a superior authority, they certainly may be allowed to appoint the inspector. If assessment be introduced, the representatives of the ratepayers are to have the appointment. The appointment of an inspector appears to me an improvement of a marked and decisive character. But that would be most imperfect if you did not add to local inspection central control. That control is vested in the board of supervision; and though I am quite willing to listen to propositions for improving this tribunal, yet I must say, that if you are satisfied with the composition of the board, securing local inspection and control—control exercised by persons entitled to confidence—you make the administration of the Poor Law in Scotland as perfect as it can be made. Now, I am astonished, considering the quarter from which the objection comes, at the little weight which is attached to public opinion with reference to these matters. If you secure complete publicity as to the conduct of the local board, and of the controlling central authority, my belief is, that all your legislation on details will be ineffectual, compared with the effect of that publicity. I am quite satisfied, that already, even without any alteration of the law, public opinion has operated upon its administration; and my belief is, that when you secure a much greater extent both of publicity and of control over the local administration, public opinion will effect almost everything that you could desire. Something has been said in reference to the right of the able-bodied poor to relief. I think the feeling of Members on both sides of the House appears to be, that it would not be prudent, by direct enactment, to change the law in Scotland in this particular, and to say that the able-bodied poor shall be entitled to relief. It must be admitted, that without this change we have done a great deal to effect an improvement. I now come to the question of the mode of assessment. The diversity of opinion on both sides of the House proves the extreme difficulty of dealing with this question. We are dealing with an ancient law—a law which is defective in its administration, but to touch the framework of which requires great caution and forbearance. It is asked—"Why, if you feel quite sure of the excellence of any portion of your enactment with reference to assessment, why do you not give to that improvement universality?" The hon. Member for St. Andrew's showed that the circumstances of the Lowlands and the Highlands of Scotland are so opposite, that almost separate legislation is necessary. Different practices have arisen in different localities; in different rural parishes and districts, different modes of assessment prevail. In this Bill we have recognised and endeavoured to maintain the law, taking security for its proper regulation. The hon. Member for Leith stated that a practice had arisen, in many parishes, of rating persons according to their means and substance. I am not prepared to depart from the principle, or the use of the mode of assessment by means and substance, as it prevails in the burghal parishes of Scotland. Sir, again I say, this Bill contains provisions which I believe are calculated to meet the maladministration of the existing law, and the wants of the poor, to the utmost possible extent. The first duty of the controlling board will be to call into activity the powers this Bill conveys. I must say, however, that an hon. Gentleman, in his earnest desire to meet the wants of the poor of Scotland, did make a proposition with respect to the administration of medical relief, which is quite impracticable. Think of a Highland district spread over an immense extent, containing only 300, or perhaps 400 inhabitants; to fix a medical man in that district would be the semblance of relief without the reality. Even taking the case of a village of 1,000 inhabitants, as the hon. Gentleman suggests, I think it probable the kind feelings of the hon. Gentleman have been wounded by some particular case of neglect which has come to his knowledge; still I do not think his plan can be adopted. To have a rate levied throughout the Highlands of Scotland on the inhabitants of each district, for the purpose of establishing a medical man in that immediate district, would not be consistent with reason, and still less with sound policy. I have been engaged, more or less, I am sorry to say, in warfare with the medical profession; but I would observe that it would be a nice question in the statistics of health to determine whether the Highland constitution, without a doctor, does not conduce more to longevity, than sickness, with-

out medicine, to the fatal termination of disease. [*Laughter.*] It is within the experience of an hon. Friend near me, that in a small island in the Highlands, without a medical attendant for the whole of it, persons live to a greater age, and enjoy better health, than where doctors abound. With regard to the prolongation of the term of industrial residence, from three years to seven, I admit that the prolongation, at first sight, appears considerable; and I am not prepared to say that seven years may be the right period to fix. The point is still under consideration. But, I must say, that there are advantages in making settlement by industrial residence somewhat more difficult in the manufacturing districts. In those districts it is impossible not to contemplate the return of those revulsions of commerce which have at times produced so much distress and suffering. Sir, it is very well for the hon. Member for Newcastle-under-Lyne, and the hon. Member for Renfrewshire, to take credit for the relief that in those circumstances of distress was given to the poor; and they would leave the House to believe that it was the prosperous and wealthy, and those who resided in the neighbourhood, that supplied relief to the destitution that existed at those periods; but, in truth, the relief that was given did not come from the large landowners—it did not come from persons living in the immediate neighbourhood—it did not come from Scotland at all; but it proceeded from the spontaneous kindness and humane feelings of the people of this country, whose feelings were wrought upon so as to induce them to contribute to maintain the able-bodied poor who were then in distress in Scotland. Now, Sir, the hon. Member for Newcastle-under-Lyne made two objections to certain clauses of this measure. I have answered one of those objections—the first, with respect to the qualification of the elected members of the parochial boards. That point, however, is quite open to consideration; and I am perfectly willing to give a favourable consideration to the hon. Gentleman's objection, and, if I can find a proper substitute, not to insist on the proposition as it now stands in the Bill. The hon. Member for Newcastle-under-Lyne also objected as to the hardship that non-resident proprietors, under the enactments of the Bill as it now stands, would escape paying their just share to the poor. I admit that it is a defect in the Bill; and I shall be glad to remedy it. I am not aware that I have now omitted any material point of the measure; but I would add, first, that I think it not expedient to postpone legislation on this matter, and that now is the time to legislate; next, that you have before you a measure which I do not say is perfect, but which I say has been framed deliberately, and with a sincere intention on the part of the Government of meeting the evils of the present law, coupled with the caution which it is indispensable that the Government should observe in dealing with such a subject, touching habits sanctioned by law, sanctioned by ancient usage, and intimately connected with the social happiness and welfare of so important a portion of the United Empire as Scotland. I believe the measure to be well worthy of the mature consideration of the House. To the principle of it no objection has been urged; and to the details there is also, I think, no objection but what may be met or modified in the Committee. The hon. Member for Renfrewshire hinted that there was a means of not allowing this measure to pass this Session; but I am persuaded that was a hasty expression, to which the hon. Member would not wish to adhere; and if the hon. Member, and any one who thinks with him, will lend their aid to perfect the measure in Committee, they shall be met in a fair and candid spirit with reference to the portions of it to which they object. Time, in this case, is of the greatest importance. I do not deny that the poor of Scotland do labour under hardships which, I think, the Legislature may, to some extent, remove; and I feel, therefore, that time presses. I do hope that this Bill may be allowed to proceed in the regular course, and not be sent, as I hear it is intended to propose, before a Select Committee up-stairs. I say, do let us enter upon the matter in this House. In this House, and in this House only, can the Bill be satisfactorily discussed. Up-stairs the people of Scotland will not know what we do, or the reasons for what we do. Here all that we do is done in the presence of the whole House, of the public, and of the people of Scotland. I ask—I invite—I challenge hon. Gentlemen to meet me in a fair spirit in the discussion of the provisions of this Bill; and I do hope the Motion to which I have referred will not be made; if it should, I trust that the House will negative it, and will agree to appoint an early day for going into Committee of the whole House, where

every endeavour shall be made to meet all objections in a manner which shall prove our sincere desire to render this Bill acceptable and beneficial to the people of Scotland.

Mr. *F. Maule* said, he could not see how, with any prospect of bringing this Bill into anything like an operative state, it could be discussed in that House; it ought to be referred to a Select Committee up-stairs. His object in moving that it be so referred was, not to entomb it for the Session, for no one was more anxious than he was to place it on a proper footing; but only that it might be digested by men who knew the merits of every individual case, so that it might be placed before the public in such a shape that all might agree to it. That was not a singular course to be taken with a Bill of this description, especially with a Scotch Bill; for he recollected bringing a Bill into that House in which the people of Scotland were most deeply interested; and, although the question of assessment was the only great question to be discussed, yet, until he had consented to take it up-stairs to a Committee of Scotch Members, he never attempted to force it through the House. The same consideration ought to be shown to this measure. If, indeed, he had looked at it with the single eye of a landed proprietor, he should have allowed it to pass without opposition; but he must say, and without any wish to give offence, that if this Bill were adopted in the present state, it would go forth to the people of Scotland, not as a Bill for the benefit of the poor, but to protect the rich from contributing too much to their maintenance. The people seemed to have been ignorant, until the last eighteen months, of the power of the Court of Session to enforce a due observance of the present law; but from the moment they became aware of that power, from the fear of being dragged into court, those who had the administration of the funds as they now stood had administered them in a way that assured him that even if this Bill were suspended the poor would not only not materially suffer by it, but by this Bill the power of a poor man to carry his appeal to the Court of Session was most materially, and he thought very unjustly, interfered with. The right hon. Baronet had stated as one ground why he would interfere to prevent that appeal was, the risk of low practitioners getting hold of these cases, carrying them to the Court of Session, and using them against the heritors and managers of the poor of Scotland. He thought that the evil would cure itself. Suppose a low practitioner got hold of a case, and carried it to the Court of Session—if he did not succeed, the poor man whose case he had taken in hand could give him no compensation, and all the expense of the proceeding must fall upon his own shoulders. If, on the other hand, he succeeded, and from the Court of Session obtained a decree against the heritors and managers of the poor of any parish, then the expense of that litigation very properly fell upon those who had so far neglected their duty as to compel the Court of Session to interfere. He had no fear whatever of such matters leading to the excess anticipated by the right hon. Gentleman. But of the various objections which he had to this Bill, he would in the first instance mention the constitution of the parochial board. He thought it was very improperly constituted. In the first place, where an assessment was made on a parish, he objected to the minister and kirk session being on the parochial board at all; and for this reason, that the collections made at the church doors were not proposed to be thrown into the general funds of the poor of the parish; but the management of it was specially reserved to the ministers and kirk session, and the only thing they were called upon to do was to give an account of its management to the parochial board after its administration. He could see no earthly reason why that fund should be kept separate; but if it were, then he saw no reason why the minister and kirk session, not elected by the ratepayers or by those who attend the parish church, but by the dictum of the members themseves, should go into that board retaining for their own purposes their own fund. Another objection was, that he found that at present, under the term of heritors, a certain body of persons were included in the management of the poor fund in Scotland who, by this Bill, were disqualified from being heritors at all, because the interpretation clause defined a heritor to be a person who possessed land of the annual valued rental of 5*l.*; but a person having a large manufactory, having extensive buildings upon a mere plot of ground not one-fifth of the same value, would not be entitled to hold himself out as a heritor at all. At present he could do so; but by this Bill he would be deprived of that right. Then as to the election of the

members; in the first place, they must look to who were the persons who, in a case of assessment, would pay the greater part of it; and he thought that all common fairness dictated that those persons should, at least, be equally represented in the disposal of that fund. But how stood the matters? In the first place, the number of those elected members was not defined by the Bill, but was left to the irresponsible control of the superior board. Those ratepayers, too, who were assessed on their means and substance would pay more than the landed proprietors in the same parish. Then how were they elected? It was done by a system of plurality of votes, which he thought was always to be condemned, except where there was a very strong reason in its favour. The number of votes to be given by proprietors of land was altogether out of proportion to those of other ratepayers: they had at least double the number of votes which the latter had. Then look at the qualification. At present they allowed the ratepayers to select from their own body, or to take men whom they might think perfectly qualified to administer the affairs of the poor; but by this Bill they were to choose a man having property of 20*l.* a year, or occupying property of 40*l.* a year. Then, with regard to the superior board, or board of supervision, he should like to see whether if this Bill were referred to a Select Committee, they could not make that superior board a little more simple, less numerous, and, perhaps, with some popular control; for he could not see any reason why the superior board should consist of two provosts, the Solicitor General, three sheriffs, and three other members. There was another reason why this Bill could not be properly discussed in that House, and that was with reference to the combination of parishes. If the Bill went to a Committee up-stairs they would have this advantage at least, that the points on which they differed would be ascertained, and those upon which they agreed fully established; after which the passage of the Bill through the House would be comparatively easy. Nothing was further from his wishes than to embarrass the Government by any captious objections; but when the proper time came he should certainly feel it his duty to move and to take the sense of the House upon the question that the Bill be referred to a Committee up-stairs.

Mr. *P. Borthwick* said, that the right hon. Gentleman who had just sat down, had not shown that he could deal with the objections he urged against the Bill in a Committee of that House. A Committee of the House, in his (Mr. Borthwick's) opinion, was perfectly competent to discuss and deal with those objections. It had been said by the hon. Member for Renfrewshire and the right hon. Gentleman, that their object was to save the poor of Scotland from the operation of this Act. If that was the sort of friendship they had for the poor of Scotland, he hoped the poor of Scotland would be saved from it. The result of referring the Bill to a Select Committee would be to throw it back for another Session, which he should very much deprecate after the statements which they had heard of the condition of the poor in Scotland.

Mr. *E. Ellice* said, he took a different view with regard to the principle of the Bill, from all those who had spoken on the subject. He thought, that there were sufficient means of protection for the poor of Scotland, if they were only properly carried out. The only difficulty was, that they had no due power of administering those means, though he should say, that the more simple the machinery they proposed, and the more in accordance with the authorities now constituted in Scotland for the administration of the existing law, the better. He thought it would be perfectly sufficient if they provided by Bill competent inspectors, and gave them a power with respect to the assessment and relief of the poor, of applying to the sheriff or his substitute, as a court in the first instance, before going to the Court of Session. He agreed in many of the objections that had been urged by his right hon. Friend the Member for Leith. He had no wish to entomb or delay the Bill, but he thought that the details of the measure, particularly the subject of the consolidation of parishes, could be better examined up-stairs than in a Committee of the whole House. How was it possible, at the present period of the Session, to consider the subject fully in a Committee of the whole House? He was not opposed to the Bill, however. With all its defects he would assist in its progress, and would abstain from voting if a Motion was made to refer the Bill to a Select Committee. He would only make one further observation, namely, that he hoped, under no circumstances, would an attempt be made to change the principle of assessment of property in

Scotland; for the only just principle of assessment for the relief of the poor was the principle of assessment according to a man's means and substance.

Mr. *W. Miles* said, that after all that the House and the country had heard recently of the poverty, misery, and of the deaths even, resulting from starvation in Scotland, it would be bad indeed if the Legislature were to suffer the Session to pass without providing some remedy for those evils. He, therefore, recommended hon. Members not to appear to throw obstacles in the way, or to obstruct the progress of the measure. On the contrary, let them all endeavour to render it as perfect as the circumstances would admit of, and not, by persisting in sending it before a Select Committee, either prevent it from passing into a law during the present year, or else protract the Session, in order to complete it, to September.

Mr. *Hastie* did not think the Bill would carry relief to the Scotch poor. On the contrary, it would be more difficult to effect the purposes for which it was intended, than was the case under the existing Poor Law. The mode of assessment pointed out by the Bill was most objectionable; and he hoped the right hon. Gentleman would reconsider that part of the measure, and alter it. As the Bill now stood, it was more of a landlords' than of a Poor Law measure.

Mr. *Aglionby* said, that whatever difference might exist on the opposite sides of the House with respect to the manner in which the objects contemplated by the Government were affected by the measure, he nevertheless hoped it would be clearly understood, and go forth to the public, that there was on both sides an ardent desire to afford due relief to the suffering and destitute poor in Scotland. His first impression was, that it would be advisable to send the Bill up-stairs to a Select Committee; but he could not withstand the candid, straightforward manner of the right hon. Baronet (Sir J. Graham), whose readiness to accede to any Amendments which might render the measure more perfect, had determined him to vote for the second reading, and to support the intention expressed by the Government of proceeding at once with the Bill in a Committee of the whole House.

Mr. *Collett* observed, that it had been urged that, under the proposed Bill, only one person was to be paid. He found, however, that, in addition to this person, a secretary and three sheriffs were to be paid. He would ask the right hon. Baronet what was the amount of the salary to be received by the party to be paid, and also what was the amount which the secretary was to receive, and who was to pay it?

Sir *J. Graham* said, that it was intended that the amount of the salaries should be fixed by the Lords of the Treasury; but, if it was so wished, the amount might be inserted in Committee.

Bill read a second time.

On Motion that the Bill be committed,

Mr. *F. Maule* moved, that it should be referred to a Select Committee up-stairs. He disclaimed all intention of delaying the Bill. His sole object was to have its minutiæ fully discussed by gentlemen acquainted with the various localities to which its provisions referred. If the Government would agree to send the Bill to the Committee proposed, he would be happy to leave the nomination of that Committee entirely in their hands. He thought, that to refer the Bill to a Select Committee, was the only way in which justice could be done to the question at all.

Mr. *Cumming Bruce* hoped the House would not agree to the proposition of the right hon. Gentleman, as doing so would be equivalent to delaying the Bill for another year.

Mr. *Hume* said, he had been inclined to think, that the better course would be to delay the Bill; but the speech of the right hon. Baronet the Secretary for the Home Department had met all opposition, by offering to give every consideration to the provisions of the Bill in Committtee, and to make it as perfect as possible. He, therefore, could not think of dividing against him on the subject; and he hoped the right hon. Gentleman (Mr. F. Maule) would not press his proposition to a division.

Sir *J. Graham* joined in expressing a hope that the right hon. Gentleman would not press his Amendment. He (Sir J. Graham) proposed Monday se'nnight for going into Committee, and, in the mean time, Her Majesty's Government would take into consideration the several suggestions which had been made, and, to facilitate their due consideration, he would recommend that hon. Gentleman should have their Amendments printed and laid on the Table of the House. He thought

by this course, from the unanimity that prevailed, that something practical would arise. From the spirit that existed, he would deem it unfortunate if they were pressed to a division.

Mr. *P. M. Stewart* concurred in the request not to press the Amendment to a division. He suggested some alteration in the constitution of the board of supervision.

Sir *J. Graham* said, that as at present advised, no alteration could be assented to in the constitution of the board.

Mr. *F. Maule* said, that after the disposition shown by the right hon. Baronet to attend to the propositions made, he could not think of pressing his Amendment to a division.

Amendment withdrawn. Bill to be committed.

BANKING (IRELAND) BILL.] The Order of the Day for receiving the Report of the Banking (Ireland) Bill having been read, the Report was brought up.

Mr. *Redington* moved the insertion of the following clause:—

"And whereas by an Act passed in the Parliament of Ireland in the 21st and 22nd years of His Majesty King George the Third, intituled, 'An Act for establishing a Bank by the name of the Governors and Company of the Bank of Ireland,' it was amongst other matters provided, 'that nothing therein contained should be construed to enable the said corporation, or any person or persons on their behalf, to lend or advance any sum or sums, to be secured by mortgage or sale of lands, tenements, or hereditaments redeemable, anything therein to the contrary notwithstanding;' and whereas such provision is not contained in any Act establishing or regulating other banks of issue in this realm, and it is expedient that the same should be repealed; be it therefore enacted, that the same shall be and is hereby fully repealed."

His object was to place the Bank of Ireland, which was alone restricted by its charter from lending money on mortgage, on the same terms with the Bank of England and all other banks. On a late occasion, when the Board of Works in Ireland were desirous of procuring money under the Drainage Act, the Bank of Ireland, though willing to advance the money required, found that it was prohibited by its charter from doing so, although the sum was not to be permanently invested, but was to be repaid by instalments in a short period.

Clause brought up and read a first time.

On the question that it be read a second time,

The *Chancellor of the Exchequer* was sorry that he was not able to agree to the clause proposed by the hon. Member. It was perfectly true, that by the original charter of the Bank of England, no limit was imposed with respect to lending money on mortgage. The Bank itself, however, made a by-law against so lending money, on the principle that a banker permanently putting his money out of his own trade, did that which, at a time of pressure, was calculated to involve himself in ruin, and all those who placed confidence in him. When the Irish Act, therefore, was framed, its provisions were based, not only upon the charter, but upon the by-laws of the Bank of England. He admitted, that on two recent occasions the Bank of England had been induced to depart from its by-law; but it would be recollected that, on these occasions, strong opposition had been given to any departure from the safe principle which the Bank itself had early adopted. The danger to be apprehended was, that if the Bank of Ireland received the power of lending money indiscriminately, it would be exposed to a pressure from without, which it would not have the same motive as the Bank of England for resisting, and the investment of its capital might lead to great inconvenience in a time of pressure.

Mr. *Masterman* heard with great satisfaction the sentiments of the right hon. Gentleman. He, and others interested in banking, had, on the occasions alluded to by the right hon. Gentleman, expressed their regret that the Bank of England had assumed to itself the power of lending money on security not immediately available.

Sir *R. Ferguson* thought it hard that the Bank of Ireland should not be allowed to lend money on the security of landed property.

The *Chancellor of the Exchequer* remarked, that as the Government deposited money in the Bank of Ireland for the purpose of paying a dividend on the public debt, it was but right to take care that the bank should be able to pay that dividend.

Mr. *Roche* would not express any opinion on the abstract merits of the question, whether the Bank of Ireland should lend its money or lock it up; but he

should certainly vote for the Motion of his hon. Friend.

Mr. *Redington*, in reply, said he did not see why a restriction should be imposed on the Bank of Ireland, to which the provincial banks were not liable. He did not want the Bank of Ireland to be allowed to lend money for the purpose of draining lands; but to be allowed to exercise the same discretion which was left to every other bank in the kingdom. He should divide the House upon the clause.

The House divided on the Question, that the clause be now read a second time:—Ayes 12; Noes 51; Majority 39.

List of the AYES.

Bellew, R. M.	Somerville, Sir W. M.
Blake, M. J.	Trelawny, J. S.
Duncan, G.	Wawn, J. T.
Hamilton, Lord C.	Wyse, T.
Norreys, Sir D. J.	
O'Brien, W. S.	TELLERS.
O'Conor Don	Redington, T. N.
Roche, E. B.	Ferguson, Sir R.

List of the NOES.

Baird, W.	Greene, T.
Barkly, H.	Harris, hon. Capt.
Bernard, Visct.	Hawes, B.
Boldero, H. G.	Henley, J. W.
Borthwick, P.	Herbert, rt. hon. S.
Bowles, Adm.	Hope, G. W.
Boyd, J.	James, Sir W. C.
Broadley, H.	Jermyn, Earl
Brotherton, J.	Lincoln, Earl of
Bruce, Lord E.	Lockhart, W.
Bruce, C. L. C.	Mackenzie, W. F.
Bruges, W. H. L.	M'Neill, D.
Buckley, E.	Masterman, J.
Cardwell, E.	Maule, rt. hon. F.
Chute, W. L. W.	Nicholl, rt. hon. J.
Clerk, rt. hon. Sir G.	Pringle, A.
Corry, rt. hon. H.	Rashleigh, W.
Cripps, W.	Richards, R.
Darby, G.	Scott, hon. F.
Evans, W.	Smith, rt. hon. T. B. C.
Fitzroy, hon. H.	Stuart, H.
Flower, Sir J.	Sutton, hon. H. M.
Fremantle, rt. hn. Sir T.	Thesiger, Sir F.
Gaskell, J. Milnes	Wellesley, Lord C.
Gordon, hon. Capt.	TELLERS.
Goulbourn, rt. hn. H.	Young, J.
Graham, rt. hon. Sir J.	Lennox, Lord A.

Sir *W. Somerville* was understood to ask whether public companies might be allowed, as was the case in Scotland, to place large sums of money, ordered by Parliament, in any bank established in Ireland by Act of Parliament or Royal Charter?

The *Chancellor of the Exchequer* said, this was the first time he had heard any wish of the kind expressed; and would not, therefore, undertake to give an opinion on the subject. He should, however give the subject his consideration. On looking at the state of Ireland, it appeared to him, that Cork and Limerick were places where it would be necessary for the banks to retain specie. Londonderry and Belfast, he thought, might be under the same necessity. Of the four branches that were to retain specie, he was of opinion that two of them might be in any one province; but he did not think a greater number necessary.

Sir *D. Norreys* considered, that those banks which had not the security of having a certain quantity of bullion in their coffers, would not have the same opportunity of extending their business as the banks which retained specie. He would rather see the banks deprived of the power of issuing notes beyond the bullion in their possession, than allow a few banks to enjoy such exclusive advantages.

The *Chancellor of the Exchequer* thought the plan proposed in the Bill would be of great convenience to bankers generally, while it would give the public sufficient security, that the *bonâ fide* amount of gold in possession of the banks would be equal to the amount of notes issued.

The *O'Conor Don* did not regard as a concession the allowance of two banks of issue in one of the provinces, while the other three provinces would be limited to two more. If the right hon. the Chancellor of the Exchequer would allow two banks where business was extensive, as in the south, for instance, and allow also a bank for each province, that would be going a step further than the hon. Member for Kildare, and might be looked upon as a concession.

Mr. *W. S. O'Brien* said, he felt himself compelled to attend the House while the present measure was before it. Although he knew how ineffectual any remonstrance on his part would be, when directed against a Bill brought forward by the Government, still he could scarcely divest himself of the obligation which he felt, as an Irish Member, to resist bad measures. He had to complain that due notice of this measure had not been given to the people of Ireland. It was only last Saturday, that the Directors of the Bank of Ireland waited on him, and informed

him that they had not seen the Bill since it had been reprinted with the Amendments. The measure was of great importance to a nation inhabited by 9,000,000 of people; and it was but just, that they should have at least a few days allowed them to make themselves acquainted with its provisions. He was not surprised that the right hon. Baronet should have proposed a Bill like the present. It was in exact conformity with the Bill of 1819. The principle of both was to make gold dear—to sacrifice the debtor for the benefit of the creditor. This Bill afforded no security to the public, for it allowed banks to issue to a certain amount without any security on their part against failure. The Bill was calculated to injure the Hibernian and Royal Banks by extending the monopoly of the Bank of Ireland. Every one who had read the opening statement of the right hon. Baronet must have been taken by suprise to find that the circulation of the banks was limited, not to the amount of gold in their coffers, but to the amount in the principal bank. He would make this proposition, that the banks should be allowed, to a limited amount, to issue notes on the deposit of Government stock. He begged pardon of the House for detaining them at this time, and he would now move, as a mode of putting on record his opposition to the measure, that it be recommitted.

Mr. *Speaker* intimated that the hon. Gentleman was too late in making this Amendment.

Mr. *W. S. O'Brien* regretted that he had been misled as to the proper time of making the Motion. He would then move that the debate be adjourned for a fortnight, to allow time for the Irish people to consider the measure.

The *Chancellor of the Exchequer* hoped, that the hon. Gentleman would content himself with recording his opinion, without impeding the business of the House. He should be sorry if it were supposed that the Government had proceeded with undue haste in this measure; and he need only remind the House that the Bill was printed so far back as the 7th of May, and every objection which could be urged had been fully considered by the Government.

Mr. *E. B. Roche* said, that the Bill, as it stood, differed from the statement made on its introduction by the right hon. Baronet at the head of the Government, and complained that, in the Amendments which had been proposed, the Irish Members were completely overwhelmed by English Members, who came in just before the division.

Viscount *Bernard* protested against the statements of hon. Gentlemen opposite, that the feeling of Ireland was against the Bill. He had not received a single letter in opposition to the Bill, nor had he heard a single word against it. For himself he approved cordially of the principles of the Bill.

Mr. *Borthwick* said, that he had voted with the Government on this Bill; but if he had done wrong, that was the fault of the hon. Member for Limerick and others, that they had not come to the Hou e to enlighten him.

Amendment negatived. Report received. Bill to be read a third time.

The House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Friday, June 13, 1845.

MINUTES.] BILLS. *Public.*—1ª. Banking (Scotland); Schoolmasters (Scotland); Silk Weavers.

Private.—1ª. Sampson's Estate (Ward's); Aberdeen Railway; Lancaster and Carlisle Railway; Chelsea Improvement; Dublin and Drogheda Railway; York and North Midland Railway (Harrogate Branch); Duke of Bridgewater's Trustees' Estate (Archbishop of York's).

2ª. Hill's Estate; Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Berks and Hants Railway; Lowestoft Railway and Harbour; Kendal and Windermere Railway; Blackburn, Darwen, and Bolton Railway; North British Railway; Yarmouth and Norwich Railway; London and Greenwich Railway; West of London and Westminster Cemetery; Midland Railways (Syston to Peterborough); Leeds and West Riding Junction Railway; Great Grimsby and Sheffield Junction Railway; Hull and Selby Railway (Bridlington Branch); Edinburgh and Hawick Railway; Ely and Huntingdon Railway; Taunton Gas.

Reported.—Huddersfield and Manchester Railway and Canal; Blackburn, Burnley, Accrington, and Colne Extension Railway; Rochdale Vicarage (Molesworth's) Estate; Glasgow Markets; Stokenchurch Road; Leeds, Dewsbury and Manchester Railway; Huddersfield and Sheffield Junction Railway; Chester and Holyhead Railway; Leeds and Bradford Railway Extension (Shipley to Colne); Watermen's Company Endowment.

3ª. and passed:—Hawkins' Estate.

PETITIONS PRESENTED. By Bishop of Cashel, Duke of Richmond, Marquess of Breadalbane, and by Lords Brougham, and Kenyon, from Free Church, Newhaven, and numerous other places, against Increase of Grant to College of Maynooth.—From Clergy and others of Derry, and 2 other places, for Inquiry into the Course of Instruction adopted at Maynooth College.—From Freemen and Widows of Leicester, against the Leicester Freemen's Allotments Bill.—From Ballygawley, and several other places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—From William Mason, a Prisoner for Debt confined in Stafford Gaol, against Imprisonment for Debt.—From Magistrates of Bridgewater, for the adoption of a Measure to prevent the indiscriminate sale of Poisonous Drugs.—From Arthur B. Perceval, B.C.L., one of the Chaplains in Ordi-

nary to Her Majesty, praying to be heard at the Bar against the Maynooth College Bill.—From Inhabitants of Clonguish, County of Longford, for the adoption of a Measure for the Protection of Property.—From Presbytery of Forres, for Improving the Condition of Schoolmasters (Scotland).—From Bolney, for Repeal of Highway Rates Act.—From Kelso, against the Granting of Spirit Licenses to Tollhouses (Scotland).

MESSAGE FROM THE QUEEN — SIR HENRY POTTINGER.] The Earl of *Aberdeen* informed the House that he had a Message from Her Majesty.

Message *delivered*, and read by the Lord Chancellor, as follows:—

"VICTORIA R.—Her Majesty being desirous of conferring a signal Mark of Her Favour and Approbation on the Right Honourable Sir Henry Pottinger, Baronet and G.C.B., for the eminent Services rendered by him; and particularly for the Zeal, Ability, and Judgment displayed by him, as Her Majesty's Plenipotentiary, in the Negotiation of Treaties of Peace and of Commerce with the Emperor of China, recommends it to the House of Lords to concur in enabling Her Majesty to make Provision for securing to Sir Henry Pottinger a Pension of 1,500*l.* per Annum for the Term of his natural Life.—V. R."

The Earl of *Aberdeen* gave notice, that on Monday next he should move, that Her Majesty's most gracious Message be taken into consideration by their Lordships.

RAILWAYS.] Lord *Brougham* presented a petition from Mr. Henry Stafford Northcote, eldest son of Sir Stafford Northcote, taking notice of the proceedings respecting the lawn and grounds in the possession of Dr. Freer, held under the petitioner's father. The petitioner stated, that his father had made arrangements which would, as he thought, equally secure the interests of Dr. Freer and himself; and stating further, that he fully intended to give Dr. Freer his due proportion of whatever compensation might be obtained from the Railway Company; that he had urged upon the Company Dr. Freer's claim as tenant, and his father's as owner.

THE BISHOP OF CASHEL—REV. MR. MACKESY.] The Bishop of *Cashel* having presented several petitions against the grant to Maynooth, and postponed his Motion on the subject of education until Tuesday,

The Marquess of *Normanby* stated, that he wished to bring under the notice of the House the case of Mr. Mackesy, which had an intimate connexion with the Motion of the right rev. Prelate (the Bishop of Cashel), and which case he considered ought not to be delayed even till Tuesday next, when that Motion was to come forward. He should, therefore, avail himself of the opportunity which the presentation of these petitions gave him to lay before the House the particulars of that case. It appeared that Mr. Mackesy had applied to the right rev. Prelate for a parish which was soon expected to become vacant; and that this application received no encouragement, although he forwarded the highest testimonials, extending over a period of more than a quarter of a century; but it appeared that the right rev. Gentleman had declined to give Mr. Mackesy promotion, on what he was pleased to call the testimony of his own overweening approbation. Now, he held in his hand extracts from the testimonials of the Rev. Mr. Mackesy for services which extended over a quarter of a century; and certainly, those recommendations contained as well-founded a claim for professional promotion, founded upon professional merits, as any clergyman in the Church of Ireland could have sent in. Those testimonials were shown to the right rev. Prelate, who was at this time a stranger to the diocese. He would now refer to another part of the statement of the right rev. Prelate, which had given the greatest pain to the Rev. Mr. Mackesy. He found, that "the Bishop of Cashel said, that he had never rebuked the Rev. Mr. Mackesy at the visitation at Lismore." He (the Marquess of Normanby) had that morning received a letter from the Rev. Mr. Mackesy on this subject, which he would beg permission to read to their Lordships. Mr. Mackesy said that—

"With regard to the Bishop of Cashel's charge, delivered in 1843 at Lismore, I never knew it had been printed until I read the debate in the House of Lords. The impression made upon my mind at that time was, that the charge was anything but calculated to produce good feeling between Protestants and Roman Catholics; and I have heard the same opinion repeatedly expressed by others. I have not read the charge myself; but I have been told by others, who have read it, that the wording appears less forcible than in the delivery, and that it seems to be in an amended form. I have never particularized any passages in the charge, as my memory did not fully enable me to do so, but spoke of it generally from my recollection of its delivery. I do not recollect that the subject of national education was in-

troduced in the charge, but in conversation; and I beg leave to state briefly the expressions used by the Bishop to me on the occasion. He observed, that he would be better pleased that I had no school at all, rather than the national one I had established in my parish; and, in answer to a question addressed by me to his Lordship, he stated his opinion, that no Protestant clergyman could, consistently with his duty, visit a national school even for the purpose of seeing the rules fairly carried out. Much more was said condemnatory of the national system; but the above expressions were taken down by me in writing on my return home from the visitation. The Bishop of Cashel has asserted in the House of Lords, that he did not censure me for my connexion with the national system; but his Lordship has doubtlessly forgot the circumstance, and the accompanying documents will prove that his memory on the point is defective. In addition, I beg to observe that, in the month of March last, I stated in a letter to the Rev. Mr. Maunsell, intended for the Bishop's inspection, and I suppose laid before his Lordship, as it was written by his desire, the severe manner in which the Bishop had animadverted on my opinions with regard to national education, at the visitation of Lismore in 1843. If I had made any mis-statement in that letter, surely some comment would have been since made, either by the Bishop or the Rev. Mr. Maunsell, who was present at the visitation, and heard what passed on the occasion. In conclusion, permit me to remark that, while candidly expressing my own opinions, I have been most careful in observing the respect due to my Bishop. Trusting that your Lordship may be enabled to make this statement in the House of Lords, and clear me from the imputation of having stated what was not the fact, I have the honour to be," &c.

Now, if any doubt should be entertained as to the recollection of the Rev. Mr. Mackesy on this subject, he (the Marquess of Normanby) had in his possession several letters from Protestant clergymen who were present on the occasion to which that rev. gentleman referred. He would, however, read only one of those communications, from a rev. gentleman whose high character would, he was convinced, be admitted by the right rev. Prelate—the Rev. Mr. Homan, of the county of Waterford. That rev. gentleman said—

"In reply to your note relative to the visitation held at Lismore, in 1843, I beg to state that I was present at it, and the impression made on my mind at the time was, that the Bishop expressed considerable displeasure with you for taking any part in the national schools. After the lapse of so long a time, I cannot take upon myself to repeat the exact expressions used by the Bishop on that occasion; but the feeling on my own mind, as well as on the generality of those present, unquestionably was, that a severe censure had been passed on you."

He (the Marquess of Normanby) had now done what he considered due to an injured gentleman who was not here to defend himself; and he had afforded the right rev. Prelate an opportunity of making reparation to the injured feelings of the Rev. Mr. Mackesy. Although the right rev. Prelate had given to the world a publication in which he commented upon the propriety of his (the Marquess of Normanby's) conduct, in some remarks he had made with reference to that right rev. Prelate, he should have thought the right rev. Prelate would have exercised a little more caution before he so positively denied the deliberate assertion of the rev. Mr. Mackesy.

The Bishop of *Cashel* said, the noble Marquess had brought a heavy charge against him, which he was happy to have the opportunity of answering before their Lordships. He must beg leave to deny most distinctly having ever rebuked Mr. Mackesy at his visitation, for maintaining a connexion with the National Board of Education. The visitation in 1843 was the only occasion on which he had been in company with the Rev. Mr. Mackesy, in common with many others of his clergy; and he then interrogated every clergyman, as it was his duty to do, with reference to the establishment of English schools. For the noble Marquess might not be aware that every clergyman of the Established Church in Ireland swore at his institution that he would maintain an English school in his parish; and he (the Bishop of Cashel) thought it his duty, on the occasion to which he referred, to inquire whether each clergyman had, according to his oath, an English school in his parish. This regulation had not been complied with by the Rev. Mr. Mackesy; and he certainly did express his disapprobation of that rev. gentleman's conduct in this respect; but he would venture to say that he never rebuked that rev. gentleman, or used one single word of severity towards him. He was sorry to say, that he found many parishes in the county of Waterford destitute of English schools; he found that there was in that district a great want of schools for the education of children of Protestants; and he did express his hope —and made a most earnest recommenda-

tion on the subject to every clergyman in his diocese—that a school might be established in every parish in connexion with the Church Education Society. To that he pleaded guilty; and a statement to that effect would be found in his charge. He certainly did reprove—if he might use the term—those clergymen who were content without any schools they could consider their own in their several parishes; and who allowed the children of Protestants to attend the national schools, which were under the patronage of the priests. He considered it his duty, as a bishop of the Established Church, to adopt this course; and as long as he occupied his present situation he would endeavour duly to perform that duty. He had the happiness of knowing that, since the time to which he referred, six or seven English schools had been established in parishes within his diocese. He considered it essential to the maintenance of Protestantism —especially in the south of Ireland, where the number of Protestants was small—that they should have schools in which they might train the Protestant youth in the way in which they should go (which, in his opinion, was not according to the Roman Catholic system), so that when they were old they might not depart from it. Of endeavouring to effect this object he was guilty; but he distinctly denied having used any severe language with reference to Mr. Mackesy, or others in the same situation. He had that morning received letters from different clergymen in the county of Waterford, expressing their strong conviction and recollection that no such language as that attributed to him had ever escaped from his lips. At a dinner at the time of the visitation, when all the clergy were assembled, a conversation took place on this subject; and he then stated the high sense he entertained of the value of the Church Education Society, and evinced his attachment to the institution by giving a large subscription to its funds. On that occasion, during a familiar conversation after dinner, the Rev. Mr. Mackesy, in a very proper way—in a manner which did not excite any angry feeling—spoke in favour of the National Board; but there was no expression as to any opposition of sentiment between Mr. Mackesy and himself. With reference to one portion of the noble Marquess's remarks, namely, the letter which he (the Bishop of Cashel) had written, and in which he was supposed to have used expressions disparaging Mr. Mackesy, he (the Bishop of Cashel) wished to say, that he had never expressed any opinion prejudicial to the Rev. Mr. Mackesy. What he had stated with reference to not wishing to have the opinions of clergymen themselves as to their qualifications, he never meant to apply to Mr. Mackesy; he merely wished it to be understood in the diocese that he deemed it his duty to consider the zeal and ability of the several clergymen in the diocese from personal observation, rather than to have each clergyman coming forward and applying for this or that parish, on his own representations. That was the view that he entertained; and now, since the subject had been brought forward, he must state something relative to Mr. Mackesy, which their Lordships would be surprised to hear. He had in his possession a letter which, if he had to-night presented the petition of which he had given notice, he would have read to their Lordships. The letter to which he referred was from the Rev. Mr. Mackesy to the rector of Monksland—a place of which the Rev. Mr. Mackesy had the charge for six or seven weeks, and was dated May, 1843. In that letter Mr. Mackesy stated that, during his short residence at Monksland, he found that the Protestant children attended the national school; and he thought that was not a fit place for them to attend; he expressed a strong opinion that a school in connexion with the Church Education Society ought to be established in the parish, and stated that he considered the bishop ought to be consulted on the subject. When he (the Bishop of Cashel) became acquainted with the circumstance, he immediately set about the establishment of a Church of England school, in order that the children of Protestants might not be obliged to attend the national school. In the letter of Mr. Mackesy to which he referred, that rev. gentleman stated that, though he was a friend to the national system of education, where a better could not be adopted, and where a Protestant school could not be established, yet he considered that in such a parish as Monksland they ought to have a school in connexion with the Church Education Society. Mr. Mackesy, however, now came forward as if he were the champion of the National Board; but on Tuesday next he (the Bishop of Cashel) would read the letter of the rev. gentle-

man to which he had just referred. He must repeat, that he positively denied having ever rebuked Mr. Mackesy for his connexion with the National Board; and that his conversation with that rev. gentleman at the visitation referred to his not having, as according to the oath taken he ought to have had, a Protestant school in his parish.

The Marquess of *Normanby* said, he thought any one who had listened to the explanation of the right rev. Prelate must see that the statements made by the Rev. Mr. Mackesy were substantially borne out. He (the Marquess of Normanby) had stated, that the right rev. Prelate had rebuked the Rev. Mr. Mackesy in the presence of the assembled clergy. Did the right rev. Prelate deny that?

The Bishop of *Cashel:* Yes, I do deny it.

The Marquess of *Normanby* said, that if the Rev. Mr. Mackesy was told in the presence of the assembled clergy, that he had done something not in accordance with the oath he had taken, he (the Marquess of Normanby) should consider that a rebuke.

The Bishop of *Cashel:* That had nothing to do with the National Board.

The Marquess of *Normanby* said, the right rev. Prelate admitted that he found fault with Mr. Mackesy for not having a school. Did the right rev. Prelate mean to say, that because a school was not in connexion with the Church Education Society, it was not a school? The right rev. Prelate seemed to draw some distinction of this kind; for though he admitted that he had rebuked Mr. Mackesy, he said he had not rebuked him for any connexion with the National Society. He confessed that he was unable to understand the meaning of the right rev. Prelate. The right rev. Prelate had, as he conceived, somewhat sneeringly, intimated that Mr. Mackesy had been rebuked for living in terms of friendship with the Roman Catholic priests. Every one acquainted with the state of Ireland must be aware that, wherever it was possible, it was most desirable that the Protestant clergy should maintain a kindly feeling towards the Roman Catholic priesthood; and he had yet to learn that in consequence of acting on such a principle the Rev. Mr. Mackesy had justly exposed himself to the sneer of the right rev. Prelate.

The Marquess of *Westmeath* never saw a noble Lord who was more expert in replying upon another noble Lord than the noble Marquess. The charge which the right rev. Prelate made against Mr. Mackesey was, that he had not a Protestant school in his parish. The noble Marquess said that he rebuked the rev. gentleman for attending the national school; but two things could not be more distinct than were the charge which the right rev. Prelate made, and the construction which the noble Marquess had put upon it. The rev. gentleman stated in his letter that he had taken down the words of the right rev. Prelate; but he did not know how a gentleman could undertake to write down the words of a conversation, especially after dinner, and then aver in a most positive manner that they were the very words that had been used. It appeared that Mr. Homan was by no means certain as to the expressions that had been used.

The Earl of *St. Germans* wished to remind their Lordships that an oath was taken by every clergyman that a school should be maintained in his parish for the education of the English population, and that the national school was not the English school.

The Bishop of *Cashel* said, the Rev. Mr. Mackesy was present at the assembly of the clergy by which he (the Bishop of Cashel) was requested to print his charge; and from that request neither Mr. Mackesy, Mr. Homan, nor any one else dissented. It was at their request that he printed and published this charge.

REPEAL AGITATION (IRELAND)—THE STATE TRIALS.] The Marquess of *Clanricarde* rose, pursuant to notice, to present a petition from the inhabitants of Clonguish, in the county of Longford, complaining of the present disturbed state of that part of the country. The petitioners stated that they looked with alarm and apprehension to the state of lawlessness to which that county had been reduced, the symptoms of which were daily increasing; that outrages and crimes were committed in open day, while the system of intimidation was such that it was next to impossible to bring the guilty parties to justice; and they concluded by praying for the immediate adoption of measures for the protection of the peaceable and well-disposed, and to grant compensation for losses sustained in consequence of those outrages, by

which the peace of the county was disturbed. The noble Marquess proceeded to say, that the returns from Ireland did not show a greater amount of crime on the part of the people of that county than was found in the same amount of population in England; but, perhaps the worst feature of these outrages was, that they were committed with the connivance of the people, or at least with such an exhibition of apathy on their part, that no endeavour was made by them to aid the authorities to arrest the criminals; that there was more sympathy for those who offended against the law, than for those who suffered for the violation of the law. The instances of that state of things were too well known to require mention. He believed that it would be an amendment of the law if the suggestion which was made in this petition, and which had been referred to in another place by his noble Friend Lord Clements, was adopted. What they wanted was to enlist the people on the side of the law; and there were only two ways of doing that. The one was to give the people confidence that in all matters in which they had been injured, they might depend upon receiving redress from the legal and constitutional tribunals of the country; and the other was to make it their interest to aid one another in sustaining the law. But to prevent the commission of crime, was far better than afterwards to give redress to those who suffered from it. Towards effecting that object there was every reason to believe that the measure recommended by the petitioners would be an important step; for, as was stated by them, there was more respect for property when it was known that its possessors would be compensated for its loss, than when it was unaccompanied by that protection; and there was very little doubt if compensation were guaranteed by law to the sufferers, these outrages would become much less frequent. While on his legs he would put a question to the Government, upon a subject not less important, but perhaps in a national point of view much more so, than that to which he had just drawn attention; and he should be well pleased could he avoid all preface; but some expressions of opinion that had been made in recent speeches, both in that and the other House of Parliament—opinions which were most fallacious—rendered it necessary for him to make a few observations; for, whether those opinions were sincerely entertained, or whether they were put forth without due consideration, they were alike dangerous and mischievous. It had been said on the other side, in the course of the recent debate, that the State prosecutions in Ireland—he spoke as to the general tenor of the speeches of the noble Lords to whom he referred, not as to any particular expressions used—that the State prosecutions in Ireland had had considerable effect; and that the agitation for a Repeal of the Union, and the desire for Repeal in the minds of the Irish people, had been materially lessened since the prosecution, and was still on the decrease. He was sorry to say he considered that a most fallacious statement. He thought he might well be pardoned for adverting to this subject, even by noble Lords opposite; for he well remembered the rebuke which his noble Friend (Lord Melbourne), or his other noble Friend behind him, met with from the noble Duke (the Duke of Wellington) in the beginning of the Session of 1837-8, for saying in the course of a debate that the state of Ireland was not then more disturbed or agitated than it had been at former periods; though the Government of that day had not made the subject of Irish tranquillity a subject of congratulation in the Queen's Speech, or boasted of it in their speeches in Parliament. He was aware of the difficulty which every Government must experience in its endeavours to govern Ireland with justice and with satisfaction to all parties amidst the state of things which had grown up there; but what he wished to impress upon the present Ministry was, that if they had an idea that they had done anything to check the agitation which had been so long going on in that country, and, what he thought more important, to check the anxiety which unfortunately prevailed, not alone in the minds of the ignorant and unenlightened, but of well-informed and able persons, for the Repeal of the Union, they were labouring under a gross delusion. It had been also said by the Members of the Government and their friends, that the steps taken last year to put down agitation—he meant the State Trials—had been most successful; and that the authority of the law had been vindicated, though their Lordships had, by their judgment, ultimately made the issue of those trials favourable to the persons who had been convicted by the courts below. It had been said more than once, and amongst others by the noble Lord (Lord Stanley),

in the speech he made towards the close of the late debate, that the reversal of the judgment took place upon matters merely technical, and not of substance. That was what he (the Marquess of Clanricarde) denied. He contended that it was essentially on the great merits of the question at issue, that the judgment of their Lordships, reversing that of the court below, had been pronounced. It was so understood throughout the country; it was so viewed and represented in Ireland; and it was so spoken of at almost every meeting in that country. Now what were the grounds of that reversal? As he understood from the debates and from the speeches made by their Lordships on the occasion, there were two points upon which the judgment of the Court of Law was reversed: the one in regard to the counts of the indictment, and the other to the formation of the jury list. Two of the counts were undoubtedly and indisputably bad, and others were disputed. Whether the Court below, in pronouncing sentence, ought to be considered as putting out of view the two bad counts, and relying on the good ones, he knew not. He could not say what was the law (but there could be no doubt that their Lordships, acting upon the high legal opinions they had called in, had decided correctly); but as a matter of common sense, it would seem to be wrong that a man, who was found guilty of some only out of several counts in an indictment, should be deemed guilty of the whole; and in the case of the late State trials, the Judges, n pronouncing judgment, paid particular attention to those counts which were afterwards pronounced to be bad. He, therefore, said, that when their Lordships reversed the judgment of the Court of Law, they acted in accordance with justice and equity, whatever differences of opinion there might have been as to the law. He contended, then, that the reversal of the judgment on the counts was not a mere matter of technicality, but of justice and equity. The other question was of still greater importance—that of the striking of the jury list. The paper containing the names from which the jury was to be struck was avowedly and admittedly deficient of a certain number of names, and the question was whether that was a proper list from which the jury should have been selected—was that a mere matter of technicality?

Lord *Stanley:* But the judgment was not reversed on that point.

The Marquess of *Clanricarde:* But that point was pointedly alluded to by the Lord Chief Justice of the Queen's Bench, when delivering his opinion, and the danger of such a practice was distinctly pointed out.

Lord *Stanley:* The question did not turn on that point at all.

The Marquess of *Clanricarde* was aware the question did not altogether turn on that point; but he was endeavouring to show what were the circumstances of the judgment, and what had been the effect of that judgment in Ireland, and upon the confidence of the Irish people in the tribunals of that country. It was admitted the jury was formed from a defective list. The jury so formed might, it was true, be good in law; but what he contended was, that when the constitution had established certain securities and safeguards to a person put on his trial, and that the jury should be fairly composed, any inroad made upon them deprived the party of those advantages he had a right to look for, and took from trial by jury half its purity; and especially in a country where there was one party adverse to, and the other in favour of a particular class of persons, it was impossible to select a jury from one party exclusively without doing injustice. Their Lordships' decision had shown to the people of Ireland that they could not depend upon the courts of that country for justice; and so far from the result of those trials having given increased confidence to the people of Ireland in the administration of justice, it had weakened that confidence to a serious extent. For what had been the consequence to the accused persons? They had been, he would not say illegally, but they had been wrongly incarcerated in a gaol; he said wrongly, because their Lordships, by passing the Bail in Error Bill this year, had admitted the wrong. Then how far had they succeeded in putting down the agitation? Let them look to what had taken place upon what was called in Ireland, and would be called for many years to come, "Incarceration Day," the 30th of May. He had received many letters from persons who had witnessed the proceedings of that day; and all agreed that never had there been such a meeting as that Mr. O'Connell had upon that occasion—such a concourse of people, all in uniform, had never been brought together in Dublin before. Trade was at a stand still, and the capital was, during the greater part of the day, in the possession of an organized mob.

This was the statement of his correspondents. Could any thing then be more absurd than for the Government to say that they had put down these Repeal meetings? and to say that they had put down the feelings in favour of Repeal was, as he should show, equally as absurd. The whole course of the Government in this matter had been a series of mistakes. In the first place, it was a mistake to remain tranquil spectators of the agitation so long. Then, in dismissing the magistrates on account of certain speeches, they had acted capriciously, and without rule. Their declaration against the Repeal agitation—not the declaration, but the time and manner of it—was inappropriate, and the State prosecutions were a greater mistake still. Let them look at the rapid increase of the Repeal rent since those prosecutions: in many weeks he believed it had amounted to more than 1,200*l.*, while in no one week had it fallen below 300*l.* This was proof sufficient that they had not destroyed the feeling for Repeal; for there was no better test of feeling than the money test. Then look at the immense amount subscribed to defend the accused parties, and to prosecute the writ of error. Again, he believed that even stronger language had been used at the various Repeal meetings since the State prosecutions than before; and that, too, with the full knowledge of the Government. At every meeting of the Repeal Association, now, a Government reporter was admitted, and he believed was present; and a sort of tacit sanction was thus given by the Government, by the presence of their own officer, to the proceedings of those meetings. ["Hear!"] So long as they put in no caveat, no injunction against those proceedings, he said they must be supposed to acquiesce in them. A noble Lord referred the other night to the *Nation* newspaper; that paper, he believed, was the highest authority upon the Repeal agitation; it was the organ of the Repealers, and was circulated throughout Ireland, not only amongst the Repealers themselves — not only amongst those who read it — but amongst those who could not read at all, but to whom it was read. With the passionate language to be found in this paper, were also to be read some very beautiful lyrics; and, he must say, that it was a matter deeply to be regretted to see such talents bestowed on such a subject. [The noble Marquess here read some lines of poetry from the *Nation* newspaper.] Now, it was not be supposed, that he thought there was any danger of civil war in Ireland. He had never been apprehensive of any such thing. He had no fear at all upon the subject in 1843, when they had heard so much about it, and even when he found English tourists writing in the English newspapers, and endeavouring to demonstrate that a collision between the English troops and the peasantry was inevitable. Even then, he said, he never entertained the notion that they were about to have a civil war. But, saying this, he declared that it was a fearful thing to see the mass of the people arrayed against the Government. He held it, however, that there were, in the present circumstances of Ireland, that which was symptomatic of great danger. They might end in civil war; they might lead to anarchy; they might eventuate in disorder and confusion; or they might—and he trusted they would—pass away without commotion. But this he did say, that he could not conceive a more fearful state of things than to see the mass of people arrayed in hostility against the Government. He might here refer to an expression which had dropped from the Prime Minister in reference to Ireland, and to which the noble Lord opposite had alluded the other night; he meant that speech of the Prime Minister in which he made allusion to the danger to be apprehended in the western hemisphere; and that he was therefore glad, looking to that danger, that he had been able to send a message of peace to Ireland. He knew that the words he referred to had been misconstrued; and he thought, on that account, the sentence was an imprudent one, coming from such a person, as it was so likely to be misrepresented. The noble Lord the Secretary for the Colonies had explained—and properly explained it—that the decision about Maynooth, and the intention to make the grant, had been come to. Now, though the sentence he alluded to was not a very wise thing to say, it was a most wise thing to think. There was, he said, great danger in the state of Ireland. It was one that ought to be a subject of great anxiety; for that which the Prime Minister had alluded to, he could show, by the Irish newspapers, was a contingency ever present to the mind of those who conducted these newspapers, and of the Repeal Association. Such a sentiment was calculated to produce a great effect upon them; and the consequence was, the agitation was now stronger than ever it

had been; perhaps, he might say, with great truth, that it was more venomous, and perhaps, he might even admit, it was more likely to be attended with bad consequences. The Party Processions Act having expired, it was decided to have banners at the Cork Repeal procession, and he took it for granted that order had been executed. It appeared that the Cork procession was more numerously attended than any other; that for three hours it was passing along, in bodies marching four and four; and military men could calculate from that what the exact numbers were likely to be. It was also said that the procession of 30th May, in Dublin, dwindled in comparison. He wished now to know from the Government, whether it was their intention to revive the Processions Act, which had just expired. He knew that the Government was exposed to a great deal of animosity from the Orange party; and he must say that they deserved it all, and even a great deal worse. The Orangemen had a right to be exasperated with the Government; because, a short time previous to the Government coming into office, it had appealed to their prejudices, and even after it came into office, it encouraged these prejudices by its appointment to office of men who had voted against the Maynooth grant. On the return of the present Government to office, there was expected by their supporters—and they had a right to expect it—a return to the old Orange system, and that Catholic Emancipation would be defeated practically again, as it had been before, by the Executive. Let them now see the state of feeling that prevailed in the north. He referred to a paper which, alluding to a projected or rumoured Repeal meeting on the banks of the Boyne, called on the Protestants to resist it; that they should not permit Papists to assemble on the banks of a stream which had once "run red with Popish blood." He was sorry that he must here observe upon one of the audible whispers of his noble and learned Friend, who objected to his entering into a discussion on the state of the nation.

Lord *Brougham* had no objection to his noble Friend speaking on the state of the nation, but let it be at a proper time. But he objected to his noble Friend entering into a discussion on the state of the nation without notice.

The Marquess of *Clanricarde* continued by saying, that he thought himself justified in pursuing the course he did, in presenting a very important petition. The presence of noble Lords from Ireland on the present occasion showed that they understood him; and he might at the same time add, that he had had no communication with any noble Lord since he had given notice of his intention to present a petition. Now, he must say he would not have referred to this subject, if he had not found noble Lords on the other side boasting of having vindicated the law, and of the Government being so strong in Ireland. He denied it. They were reduced to the greatest state of debility that a constitutional Government could be. They had only military possession of the country. There was certainly no danger of civil war; but it was because there was not any immediate danger to be apprehended, that he thought this the most fitting time for discussion. The Processions Act had expired; both parties were taking advantage of it, and if the Government thought that the law now existing was sufficient, and that they could answer for the security of the country, he had no objection to offer; he certainly should not propose any new law; but still, he said, that the prospect of the country was worse than it ever had been. All legitimate influence in Ireland was destroyed. There was agitation on every side—it superseded such legitimate influence. The blood was excited between parties, and the condition of Ireland might be said to be worse, as far as the state of feeling was concerned, worse than ever it was. He wanted to know from the noble Lord, whether he relied upon the present state of the law; and whether, without a Procession Act, he could answer for quieting the disturbances in the country?

Lord *Brougham* said, that before the question was put, he wished to say a few words on a subject unconnected with that question, though the noble Lord thought it connected with it. He admitted the right of the noble Lord to enter into the whole question of the state of the nation, as regarded Ireland; he did not, however, mean to follow the noble Lord's example on that subject; but he begged to be understood, as one of their Lordships who had pronounced the judgment of that House in the State prosecutions, totally and entirely, and as strongly as any language he could command would enable him to say it, that he denied the whole of his noble Friend's statement with respect to the result of the writ of error in that House. He (Lord Brougham) said, it was untrue to state—as it seemed it had been stated—that the de-

cision of the Judges in Ireland had been reversed upon other than technical grounds. He took it, that to say otherwise must proceed from the most extraordinary forgetfulness—for his respect for his noble Friend prevented him from saying ignorance—of the whole course of proceedings of the arguments at the Bar, including, the allegations on the part of the prisoners, and the arguments of the Judges, and the points upon which the Judges were unanimous, as well as those upon which alone there was a slight difference of opinion: and it was in equal forgetfulness—for still out of respect for his noble Friend he dare not say ignorance—of all that had passed in that House, and of all the speeches of the five noble and learned Lords who had alone taken part in the discussions, and in the decision, that his noble Friend had taken it upon himself to say, that to assert that the defendants and prisoners, the plantiffs in error, were acquitted, not upon technical errors, but upon the merits of the case—he said, that if language were afforded to him which would enable him to give a more stringent, a more searching, a more positive contradiction to such a representation of that judgment—if any language could be found more strong than that which he used in denying such an assertion, he would proudly and gladly avail himself of it. There were seven counts in the indictment which were not impugned, and there were four other counts, making in all eleven counts. Seven counts in the indictment were untouched, even in argument, by the plaintiffs in error, the prisoners then under conviction. These seven counts, it was admitted on all hands, by counsel and by the learned Judges, and it was not denied by the three noble and learned Lords who differed from the two others, who pronounced judgment — these seven counts were admitted to charge a conspiracy of a grave and highly criminal nature, and to charge such a conspiracy in such perfect, unexceptionable, technical terms, according to the strict rules of pleading, that the judgment pronounced on the whole case could have stood unimpeachable and unquestionable, if it had been based upon the seven counts; therefore, if the four counts which had been found to be bad, had not been in the indictment, the crime would have been well prosecuted, it would have been well laid in the indictment, the conviction would have been well had, and the sentence and judgment would have been well pronounced, and by no possibility could that prosecution have been impeached, if upon the four additional counts judgment had been pronounced upon each severally, as it had since then been done, and only since then, in compliance with the rule then laid down for the first time. It was but fair to the pleaders in Dublin; it was but fair to the Judges in Dublin; it was but fair to the learned Judges who differed upon this technical point of special pleading; it was but fair to them to state that the two learned Judges who differed from the great majority of their brethren here on this technical point of special pleading, distinctly stated that they were astonished to hear it now for the first time contended that the course pursued was not the right course.

The *Lord Chancellor:* The words were, "with surprise."

Lord *Brougham:* It was the first time the objection was made, and against the opinion of the Judges in Ireland, and against the opinion of the great majority of the Judges in England, it was determined that the sentence should be pronounced on each count; and upon that technical point the defendants had the good fortune to escape. It was upon that point, and not upon that which had been alleged, that the judgment was reversed. It was upon the special pleading, and not upon a misdescription of the offence, that the judgment was reversed. That was a different case from that which alleged that the parties had been mistried. If it had been so, there should have been a new trial. All the Judges here, as well as a great majority of them in Ireland, decided against the objections made as to the jury panel. One of the noble and learned Lords here—one, certainly, of the very highest authorities—had dwelt at much length upon the jury panel; another of the noble and learned Lords merely referred to it; and another noble and learned Lord, whose judgment ruled the decision of the House, said not one word about the subject.

Lord *Cottenham:* Yes, he did.

Lord *Brougham* did not remember the noble and learned Lord having referred to it.

Lord *Cottenham:* He referred to it, and said, he had not made up his mind with respect to it.

Lord *Brougham:* The noble and learned Lord must have alluded to the point in a very slight manner, as he had totally forgotten that he had even mentioned it at all. But his noble and learned Friend the Lord Chief Justice must admit, that

the decision proceeded wholly and solely upon the point of special pleading; the question had been decided upon anything but the merits. If the judgment had been delivered and entered up upon each count *seriatim*—upon each count singly—in place of being given generally, as the practice had always hitherto been, it must have stood. He need not now say any more on that subject. It was painful to him to refer to that judgment, and he had hitherto cautiously abstained from making the remotest allusion to it, as the mixing their legislative with their judicial functions in that House, was always to be deprecated. For that reason, too, he had abstained from commenting on language used by a person whose words had been quoted, and who certainly, if he had made the speech that had been mentioned, did use words that astonished him, knowing that gentleman, as he did, personally, and having a great respect for him; knowing him too to be in every way respectable, both by his connexions and his own general demeanour. He had always hoped, and he was sorry to say that was a hope he would no longer cherish, that that hon. person had been misrepresented; that he had never used that most seditious language; and if he said that it went beyond sedition, that it was language provoking to rebellion, and tending to a severance of this great Empire, he would not fall into any exaggeration. But why was it that he never made reference to that and similar incentives to breaches of the peace, which he had seen in other speeches, as well as in that Gentleman's? For this reason, that he was most averse to urge any Government to a prosecution, unless in case of absolute necessity. It was, he thought, a course in every way to be avoided, and much to be deprecated. He abstained too, for another reason, that that House was not the place, nor were they the persons, to suggest a prosecution, when they, as judges in the last resort, were the persons by whom the result of such prosecutions were to be ultimately determined. For this reason he should omit touching upon other points referred to by his noble Friend. He had, indeed, seen it stated by a person of great importance in Ireland, that the parties accused had not been acquitted upon technical points, but upon the merits. Now, if he had been present when such a statement was made there, and had not contradicted it, it might have been said afterwards, that there was some ground for making such an allegation. In regard to the question actually asked, he would simply say, that he wanted no new law to put down party processions; the present law, if carried out fully, fairly, impartially, and temperately, was quite sufficient for preserving the peace of the country. He took that occasion of saying that he wished the system that now prevailed in Ireland of having assistant barristers' courts were extended to this country.

Lord *Denman* observed that upon the points on which they pronounced judgment he did not entirely agree with his noble and learned Friend; at the same time he was bound to say that the statement of his noble and learned Friend as to the course of proceedings which had led to the decision of that House, had been most accurately stated, with one single exception. It was upon the subject of the challenge to the array. In his opinion, it had been improperly overruled by the Court of Queen's Bench in Ireland. The fact was, that his noble and learned Friend who had just left the House, the late Lord Chancellor, had not attended so much to that as to other points of the case; but still he said, that finding there was no other remedy for a very great fraud in the manner that the panel had been arrayed, that allowing the challenge to the array would still have been the proper remedy. That he might say, with respect to his noble and learned Friend, had not been accurately stated. With reference to the part he had taken, he had distinctly stated his views to his noble Friend some days before the decision was pronounced, and the arguments had been fully deliberated upon by him before the judgment was pronounced. He did not desire to detain their Lordships further; because, in his opinion, he thought it desirable to abstain from all political observations.

Lord *Farnham* was anxious to say a few words on the subject which the noble Marquess (Marquess of Clanricarde) had brought forward, as it referred to the county adjoining that with which he was connected; and in so doing, he would merely refer to that part of the noble Marquess's speech which referred to party processions. He had always been opposed to the Party Processions Act. He regarded it as a one-sided Act. He found

no difficulty in prevailing upon those who were affected by it to obey the law of the land. The Processions Act was now expired, and he trusted that it was not the intention of Her Majesty's Government to renew it. He had united with many in giving advice to the Protestants, not to walk in procession in the approaching month of July; and he should not be a false prophet in stating his conviction that they would act in accordance with the advice which had been thus tendered to them. He could perceive no necessity whatsoever for renewing the Party Processions Act, because it was competent for any magistrate in Ireland to act, upon sworn information that any meeting about to be held was likely to be attended with consequences dangerous to the public peace; and, upon such information being given him, it was incumbent upon the magistrate to prevent the meeting from taking place. There was no necessity, therefore, for renewing the Act; an Act which was altogether an *ex-parte* measure, and which only tended to aggravate the feelings of one party of the community, who thought that they were hardly dealt with, whereas others who met in large numbers, and for bad purposes, were not interfered with. He was decidedly opposed to party processions, and to large bodies of people assembling together in Ireland for any purpose whatsoever, no matter how innocent or praiseworthy that purpose might be, when parties differing from each other in religion and politics might be brought into collision. He was anxious to do all he could to prevent the breach of the peace, and he could assure their Lordships that almost all the landlords in his part of the country were ready to co-operate with him in that desirable object.

Lord *Campbell* felt himself, after the course which the discussion had taken, called upon to address a very few words to their Lordships, and he assured them that he did so with the greatest reluctance. Since the time when their Lordships' House had pronounced judgment in the case of the Queen *v.* O'Connell and others, he had most studiously avoided any allusion to that decision, for he felt the high importance of keeping distinct their Lordship's political and judicial functions. He thought that his noble and learned Friend (Lord Brougham) had most unnecessarily begun this discussion between that portion of their Lordships' House generally called the Law Lords. A question had been put by his noble Friend behind him (the Marquess of Clanricarde) to Her Majesty's Government respecting the intention of the Government upon a particular Act of Parliament—in other words, whether the Processions Act were to be renewed or not. He should have thought that the noble Lord the Secretary for the Colonies (Lord Stanley), a Member of the Government, or the noble Duke (the Duke of Wellington), that either the one or the other would have been allowed to answer that question; but so eager was his noble and learned Friend (Lord Brougham), to mix in the contest, that he, although not a Member of the Government, that he (Lord Campbell) was aware of, stood up at once to answer the question. He stood up, in fact, when the question was being put. Although he (Lord Campbell) agreed with his noble and learned Friend, the Lord Chief Justice, that, technically speaking, his noble and learned Friend (Lord Brougham) gave a true account of the manner in which the writ of error had been conducted and decided upon in that House, he entirely dissented from the opinion that that decision was founded merely upon technical grounds. It surely would have been much better had the noble Lord the Secretary of State for the Colonies, who upon this subject showed himself not biassed, but most unbiassed, and who did not, when he approached it, exercise that caution with which it was always neeessary to touch learned subjects—it would have been much better, he would repeat, if that noble Lord had abstained from giving any opinion, as he had given the other night, as to whether the judgment of their Lordships' House, in the case referred to, was or was not founded on technical points. It would have been well, too, to have allowed that assertion of a lay Lord, to have been answered by the assertion of another lay Lord. But as his noble and learned Friend (Lord Brougham) had thought it necessary to come forward, he must say, that to assert that the decision in the case was purely a technical decision was incorrect. That assertion was not grounded upon a just view of the case. If they did not all attend to the objection made to the jury, he thought that it could not properly be said, that the decision had proceeded entirely upon technicalities. Although, undoubtedly, there were good counts in the

indictment, the defendants had been sentenced on bad counts—on counts which the Judges unanimously believed to be bad, but which the Irish Judges believed to be good, and on which they placed particular stress. These counts, which the Irish Judges believed to be good, and on which punishment was awarded, the English Judges held to be bad; and one ground of reversal was this, that punishment was awarded by the Court of Queen's Bench in Ireland on counts which did not set forth any indictable offence. A judgment when reversed upon that ground could surely not be said to have been reversed upon purely technical points. The defendants were sentenced for that which in the law of England and of Ireland was no offence; and that was one ground for the reversal of the judgment. But that was by no means the only ground on which the writ of error was brought—that was by no means the only ground on which noble and learned Lords had given their decision. One ground strongly pressed at the bar of that House was this, that the trial had been unfair, for that there had been fraud in making up the jury list. It was expressly alleged, in the challenge to the array, that the jury list had been fraudulently made up, and, on the ground that a great many names had been fraudulently omitted, it was objected that the defendants could not have had a fair trial from such a panel.

Lord *Stanley:* There was a general allegation of fraud, but no attempt was made to prove the fraud.

Lord *Campbell:* The noble and learned Lord did not seem to know exactly what he was meddling with. The allegation never came to proof, and never could, because there was only a demurrer to the challenge, and the judgment was upon that demurrer. There was, in the challenge to the array, an allegation that names were fraudulently omitted; and it was asserted that, on account of this fraudulent omission of names, there could not be a fair jury empannelled to try the offence. There was no trial as to the allegation, because there was a demurrer. The Irish Attorney General did not think fit to take issue on that head. He hoped the noble and unlearned Lord was much fitter to govern the Colonies, than he had shown himself fit to give an opinion with respect to a challenge to the array. The Attorney General had the right to take issue on any fact alleged in the challenge to the array. It was alleged that the omission of the names was a fraudulent omission; and had issue been taken upon that allegation, it would then have lain upon the defendants to prove that there had been fraud. Instead, however, of taking issue, the fact was admitted by the demurrer; and what the Attorney General said by demurring was, that although all this might be true, yet it was no ground for stopping the trial. The challenge to the array was overruled, as there was no imputation of fraud against the sheriff. Did not the question of fraud, as thus alleged, involve the merits of the case? Was it of no consequence to a man that he was not to have a fair trial? that those who were to sit in judgment upon him were of a contrary religion to his own, and belonged to an opposite political party? Was that a mere technicality? On the ground that the challenge to the array had been improperly overruled, the writ of error had been brought to that House. His noble and learned Friend the Lord Chief Justice, corroborated by the opinion of a learned Judge, Mr. Justice Coleridge, gave a clear and unhesitating opinion that the challenge to the array should have been allowed; that the judgment of the Irish Court of Queen's Bench was erroneous; and that, on that ground, the judgment should have been arrested. He (Lord Campbell) had devoted the greatest attention to the question; and he had come to the same conclusion as that arrived at by the Lord Chief Justice. He had no doubt that, by the just construction of the Act of Parliament, there was a challenge to the array—from whatever cause there was a miscarriage—and error in making up the jury list. Two learned Lords had, in this case, been clearly of opinion that there had not been a fair trial; that the challenge to the array, alleging that there had been a fraudulent suppression of names in the jury list, was founded in point of law; and that therefore it should have been allowed. His noble and learned Friend, the ex-Lord Chancellor (Lord Cottenham), did not think it necessary to go further than to give his opinion upon other points, on which he so clearly decided. He was most cautious, however, to use language to convey on that occasion, that his silence upon the point was not to be construed into acquiescence in the opinion of

the Judges. What then was to be said of a conviction, upon a trial, by a jury made up in the manner alleged? He (Lord Campbell) was extremely sorry to be obliged to enter into this discussion; but after what had been said, he could not refrain from saying a few words, from a due regard to his own character. His noble and learned Friend (Lord Brougham) had tried to sneer at the decision. That which he said of it was, that "it had gone forth without authority, and would return without respect," an expression which had met with the unanimous reprobation of the profession.

The *Lord Chancellor* observed, that after what had been said, he could not, consistently with his duty, be entirely silent upon that occasion. He could assure their Lordships, that nothing could be more painful to him, having pronounced a judgment, judicially, in that House, than afterwards to enter into any discussion or controversy with respect to the grounds of that judgment, either before their Lordships, or in any other place. His noble and learned Friend (Lord Campbell) charged his noble and learned Friend (Lord Brougham) with having volunteered the present discussion. But the noble Lord (the Marquess of Clanricarde) who had preceded his noble and learned Friend (Lord Brougham) had stated, in the strongest and most emphatic terms, that the judgment of their Lordships' House, was a judgment pronounced entirely on the merits, and not on technical points; and it was for the purpose of meeting that statement, which had not then been made for the first time, and which had been over and over again repeated in another quarter, that his noble and learned Friend, having himself been a party in the matter, felt it his duty to come forward before their Lordships, and to state that, in his opinion, the judgment had been pronounced, not on the merits, but on merely technical grounds. His noble and learned Friend the Lord Chief Justice acquiesced in the correctness of the statement of the facts made by his noble and learned Friend (Lord Brougham). What was that statement? It was only necessary for him to recall it to their Lordships' recollection, to satisfy them that, in substance, the reversal of the judgment had proceeded entirely upon technical grounds. His noble and learned Friend (Lord Brougham) had stated correctly, that there were seven good counts in the indictment, charging serious offences. On the seven counts the jury pronounced a verdict of guilty against the parties accused; and if the judgment had been entered only on these counts, or if it had been entered on these counts severally, and also severally on the remaining counts, there was no doubt but that, in point of law, the judgment must have stood. What, then, was the result of this state of facts? The parties charged with grave and serious offences were found guilty by the jury of these offences; and if the judgment had been entered on these findings, nothing could have disturbed or impeached that judgment, and the prisoners must have undergone the punishment awarded by the Court. Was it not clear, therefore, that in substance the parties accused were found guilty of grave and serious offences —offences of the highest character—and if the judgment was reversed with respect to other counts, was it not also clear that the whole proceeding was technical, and that the judgment was reversed on technical grounds, and not at all upon the merits of the case? It was impossible, in stating the case in this way, that any doubt whatever could be entertained respecting it. When it was said, that the judgment had been reversed on the merits, and not on technical grounds, what was the inference intended to be drawn—what the inference that would be drawn? It would be inferred that the parties were never guilty of offences known to the law, and that they were clearly innocent of the charge preferred against them; whereas they had been found guilty of these charges, and merely from a slip in the mode of entering the judgment, they escaped from the punishment due to their offences. His noble and learned Friend (Lord Campbell) stated that that was not the only ground of reversal. He would lead their Lordships to believe that the judgment was reversed on the question as to the challenge to the array. It was quite clear, for reasons stated by his noble and learned Friend (Lord Brougham), that the judgment was not reversed on that ground; because, had the reversal taken place on that ground, the judgment would have taken another shape; the shape of it would have been quite different from what it was—it would have been a judgment by which the parties would have been exposed to have been brought to

trial a second time, whereas, by the form of the judgment, it was clearly seen that it did not proceed upon any ground from which such a result would have arisen. His noble and learned Friend (Lord Campbell) stated that there had been fraud with respect to the jury list; and he would lead their Lordships to believe that the Attorney General admitted the fraud as alleged. Much was said upon that point during the argument. But his noble and learned Friend would allow him to recall to his recollection that an application had been made to the Court of Queen's Bench in Ireland, founded on the very circumstance of this fraud; that affidavits had been filed on the one side and on the other; and that the matter had been investigated, as to the question of fact, whether there had or had not been fraud committed; and that, upon that investigation the Court were of opinion that no fraud whatever had been proved, that fraud had not even been imputed to the Crown, and that the whole circumstance had arisen from accident. It was, then, necessary that the Attorney General should adopt one course or another. So satisfied was he in point of law, that there was no ground of challenge to the array, that he took the course of demurring to the allegation, and in that shape it came before the House and before the learned Judges for consideration. He admitted that there was one learned and respectable Judge who was of opinion that there did exist good ground of challenge. The majority, however, were of a contrary opinion. The point was argued at the bar with great acuteness, ability, and research, on both sides; but, with the exception just made, the Judges were unanimously of opinion that there was no ground of challenge to the array. It was said that Mr. Justice Coleridge entertained a different opinion; but he was not there, and did not hear the arguments at their Lordships' bar. The majority of the Judges, all of them who were present at the judgment, and for whom the Chief Justice (Chief Justice Tindal) delivered judgment, were unanimously of opinion that there was no ground of challenge. His noble and learned Friend (Lord Campbell) said that the question turned upon the point of the judgment being entered on all the counts—on the bad as well as on the good counts; that was to say, on those technically good. With respect to his noble and learned Friend (Lord Cottenham), he stated, in distinct and expres terms that, having a very strong opinion on the other point, he had not thought it necessary to investigate the question with respect to the challenge to the array. Was it possible, then, to suppose that when the judgment of the Court below was reversed, that it could have been reversed on the ground of challenge to the array? Everybody understood that it was reversed on technical grounds. He had troubled their Lordships as long as he was justified in doing upon this matter. It was with extreme reluctance that he said one word upon it. He lways felt himself in a painful situation when any judgment pronounced in that House, after careful consideration, came into review, or was again canvassed. He felt confident in the correctness of the judgment which their Lordships' House had reversed; but at the same time, he was bound to say that he always entertained the greatest deference for the opinions of his learned brethren, and of the learned Judges, when he happened to differ from them. He must still, however, say, that he felt the utmost confidence in the correctness of the judgment pronounced.

Lord *Denman* observed that, with regard to Mr. Justice Coleridge, that learned Judge had attended the whole of the argument. He was present from first to last. When the Judges met to deliver their opinion, the learned Judge was absent from illness, but he wrote to him to say that he gave his complete concurrence, after hearing the question argued in the House, to the view which he (Lord Denman) had taken of the question of the challenge to the array, which opinion his learned brother had expressed to him in language stronger than he considered it necessary to use. He thought that branch of the argument was of the utmost importance for the proper administration of justice in both countries. Mr. Justice Coleridge expressed and felt the same conviction that he did. He himself never expressed the smallest doubt as to the thorough conviction of those in the minority, and he claimed for himself the same charity of construction. No person could have bestowed more care or pains upon the whole question than he did. He had had some leisure time on hand between the close of the circuit and the commencement of the proceedings, and

this gave him the opportunity of looking closely into its different points, and he had communicated freely with his noble and learned Friend (Lord Brougham) his impression, and the opinions which he had formed of the case, and he now begged to say that he had not the slightest doubt that, on both points, these opinions were in perfect conformity with the law of the land.

The *Lord Chancellor:* When the point of the challenge to the array was reached, the Chief Justice (Chief Justice Tindal) spoke as the mouth-piece of the Judges, as if the Judges were unanimous as to the challenge.

Lord *Brougham* here rose, when—

The Marquess of *Westmeath* rose to order.

Lord *Brougham:* I rise to explain.

The Marquess of *Westmeath* said, that this was an important question, on which many noble Lords might wish to express their opinions; and the noble and learned Lord had already spoken six times upon it.

Lord *Brougham:* That is quite a mistake. I have spoken twice upon the subject; but the other four times are a pure fiction of the noble Marquess's brain. It is the reverse of the fact. It is not only not true, it is the reverse of true. This was a matter of great importance to a learned Judge. Mr. Justice Coleridge did not give his opinion in his place, as he should have done if he differed from the other Judges. If Mr. Justice Coleridge had been there, all the Judges would have delivered their opinions *seriatim*, and that would have been more satisfactory than to hear the opinion of the Lord Chief Justice representing the Judges as unanimous; and then to hear from his noble and learned Friend (Lord Denman) a statement of what, in point of fact, was the opinion of Mr. Justice Coleridge. That was not the regular mode for a Judge to dissent from his brethren.

Lord *Denman* did not say that it was the regular mode. He had read the letter of Mr. Justice Coleridge as part of his own speech. The learned Judge entertained, if possible, a stronger opinion than he himself, and had he been there he would have expressed that opinion.

Lord *Stanley* said, that after having listened to the whole discussion which had taken place between the noble and learned Lords, he remained of opinion, as he believed the great majority of their Lordships would, that the decision pronounced was founded, not on the merits of the case, but on the technicalities of the law. At an earlier part of the evening he would have endeavoured to follow the noble Marquess (the Marquess of Clanricarde) through some parts of his very able and discursive speech; a speech of which he did not complain, except to say that upon the presentation of a petition from the county of Leitrim, and the putting of a question as to whether it was the intention of the Government to renew the Processions Act in Ireland, they could hardly have expected the noble Marquess to enter into the whole question of the Repeal agitation, and the merits of the decision of their Lordships in reference to the appeal from Ireland. He must tell the noble Marquess, with great regret, that he thought the effect of that speech, if it had any effect at all in Ireland, must be to aggravate the feeling which already existed. For what practical purpose was the noble Marquess's speech delivered? What blame did he attach to the Government? How did he show what course the Government ought to pursue? The noble Marquess had told them that agitation for Repeal was still rife in Ireland, that meetings of a dangerous character were constantly taking place, and that seditious speeches were said to have been delivered. He also made an announcement of an appalling character, considering that it came from a person in his high station; namely, that it was not possible, on a political and party question, to obtain a fair and impartial trial by jury in Ireland. He would put it to the noble Marquess whether, if such were the difficulties under which the Government laboured with respect to that country, the announcement of those difficulties must not greatly aggravate the evil. If the noble Marquess's speech were followed out in its legitimate conclusion, that conclusion would be, that Ireland was unfit for trial by jury, and that some other system must be introduced. He was not prepared to follow the noble Marquess to such a conclusion, and, not being prepared for that conclusion, he deeply regretted that he should have made such a statement. The noble Marquess also charged the Government with not having prosecuted this or that newspaper, or brought parties to trial for making this or that seditious and treason-

able speech. He recommended a general prosecution of libellous articles.

The Marquess of *Clanricarde* said, he had not made any such recommendation.

Lord *Stanley* said, if the noble Marquess had not made the recommendation, he had read articles from papers which he stated were published under the very nose of the Government; and what was the inference to be drawn from that, if not that he thought the Government of Ireland censurable for permitting such articles to be published?

The Marquess of *Clanricarde* said, his object had been to show the state of the country, which was such that he did not think that in certain cases there could be a conviction against any one.

Lord *Stanley* said, with what object did the noble Marquess show the state of the country? It was their Lordships' duty to provide a remedy when the state of the country required it; but, in his opinion, the course taken by the noble Marquess had a tendency to aggravate its condition. If the noble Marquess was prepared to deal with this question, it was his duty to come forward and state wherein the Government had failed to perform its duty, to put them on their defence, and to allow them an opportunity of vindicating their conduct against their accusers. He had, however, taken the much easier course of showing what was called the state of the country—not alleging that it proceeded from any act or omission on the part of Her Majesty's Government. For the state of the country he did not propose any remedy, although the natural inference from his speech would be, that he was in favour of the universal prosecution of seditious newspapers and speeches, and the universal abrogation of trial by jury. The noble Marquess must admit, that if there were, as he stated, a danger of failing to obtain a conviction, infinitely the greater evil would be that of unsuccessfully prosecuting a seditious or questionable speech or article, and thus affording a triumph to the party prosecuted. It must be left to the Government, he thought, to say when they would prosecute and when they would not; they were responsible to their Lordships and to the country for the exercise of their judgment, and they would be deeply responsible for giving to those who were anxious to obtain it, the triumph either of being considered as political martyrs, or of successfully resisting a Government prosecution. Before Her Majesty's Government took any step against individuals for speeches, or newspapers for publications, or against numerous meetings, when they were only numerous, and did not come with certainty within the letter of the law, they should have a reasonable conviction that success would attend a prosecution for such causes. With regard to the state of the county of Leitrim, he begged to state that the Government had taken every step which they thought necessary for the purpose of repressing disorder and of protecting property. They had increased the number of the police and of the resident magistrates; they had sent there a large body of the military; but they were not prepared to come to Parliament for any powers beyond those which were provided by law, trusting that although there existed a state of things which threatened the destruction of property, and, in some cases, endangered the security of life, the law would enable them to put down disturbances without asking for any further powers. In reply to the question with which the noble Marquess had concluded his rather rambling speech, he begged to say that Her Majesty's Government had no intention at present, and he hoped they would not be placed under the necessity, of seeking the renewal of the Act commonly known as the "Party Processions Act." The noble Marquess was afraid that its cessation would give encouragement to parties to carry party banners. The Act was practically, however, a one-sided measure. The noble Lord then cited a portion of the Act. He said, it applied only to anniversaries of commemorations of historical events, accompanied with flags or music, calculated to create animosity. He did not hesitate to say that this Act was mainly directed against those processions of the Orange Lodges which for many successive years previous to its introduction, created in the north of Ireland perpetual animosities between Catholics and Protestants. He was glad to hear the declaration made that night by a noble Lord (Lord Farnham) whose opinion would have great weight with the Protestants of Ireland. The Government did hope that, for the future, good sense, moderation, and more peaceable and sounder views of the terms on which neighbours ought to live together, would lead Orangemen to discontinue processions which the chiefs and leaders of the party

must have felt to be dangerous to the public peace. He knew that the influence of those leaders had been exerted successfully for the purpose of repressing demonstrations which might give offence or create animosity between Protestants and Roman Catholics; and, for his own part, and on behalf of the Government, he would infinitely rather owe an abstinence from irritating processions to the good sense and good feeling of Orangemen themselves, than to the provisions of a stringent law directed against one party in particular. Entertaining these views, the Government did not intend to renew the Processions Act; but the allowing that Act to expire could have no effect in encouraging those processions in Ireland which were not connected with historical anniversaries, or with circumstances calculated to excite animosities between persons of different religious persuasions. He believed, also, that allowing that Act to expire, would really have greater weight in preventing those party processions, than a continuance of the most stringent measures of prevention.

The Earl of *Wicklow* expressed his satisfaction that the Act was not to be renewed. When, in the course of last Session, the Government proposed its renewal, he met the proposal with a decided opposition. He was glad now to find that all the views and anticipations he had then indulged in had been fully borne out.

The Earl of *St. Germans* explained, that had not the Act been renewed last year, certain parties who had infringed the law on the 1st of July last year, would have escaped its operation. It was necessary, therefore, to continue it in force to the Spring Assizes of the present year.

The Marquess of *Westmeath* said, that all that had fallen from the noble and learned Lords who had spoken on the subject of the State Trials, only went to show that the law was ineffectual to put down the proceedings of the Repealers. The Government, too, were aware that the same proceedings were still going on. He hoped Parliament would not separate without passing some law for the security of life and property in Ireland.

The Marquess of *Clanricarde* replied.

Petition read, and ordered to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Friday, June 13, 1845.

MINUTES. BILLS *Public.*—1°. Lunatics; Small Debts. *Reported.*—County Rates.

3°. and passed:—Fresh Water Fishing (Scotland).

Private.—1°. Dublin Pipe Water (No. 2).

2°. London and Brighton Railway (Wandsworth Branch).

Reported.—Manchester South Junction and Altrincham Railway; Dundalk and Enniskillen Railway; Manchester, Bury, and Rossendale Railway; St. Helen's Canal and Railway; Cromford Canal (re-committed); Westminster Improvement (No. 2).

3°. and passed:—Dublin and Drogheda Railway; Lancaster and Carlisle Railway; Aberdeen Railway; Chelsea Improvement; Leeds and Thirsk Railway; York and North Midland Railway (Harrogate Branch).

PETITIONS PRESENTED. By Mr. G. Hamilton, from Dublin, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Hindley, from several places, for Discontinuance of the Regium Donum Grant.—By Sir R. H. Inglis, from Minister and Elders of the Presbytery of Dumbarton, against Universities (Scotland) Bill.—By Mr. Rutherfurd, from several places, in favour of Universities (Scotland) Bill.—By Mr. Somes, from the General Shipowners Society of the City of London, for Reduction of Tolls and Dues levied by Lighthouses.—By Lord C. Wellesley, from several places, for Repeal of Malt Duty.—By Captain Bateson, from Magherafelt, for Alteration of Banking (Ireland) Bill.—By Mr. Divett, from Charles Bird, of Exeter, for Reappointment of Committee on Courts of Justice.—By Mr. Hornby, and several other hon. Members, from a great number of places, in favour of the Ten Hours System in Factories.—By Mr. Rutherfurd, from several places, for Better Regulation of Fisheries (Scotland) Bill.—By Viscount Clements, from several places, for Alteration of Malicious Injuries (Ireland) Act.—By Mr. Gore, Mr. Mangles, Sir J. Owen, and Mr. C. Smith, from a great number of places, for Alteration of Physic and Surgery Bill.—From Tonbridge Wells and Rotherfield, for Diminishing the Number of Public Houses.—By Sir William Clay, from John Dalston Jones, Member of the Royal College of Surgeons, for Inquiry (Royal College of Surgeons).

SIR H. POTTINGER.] Sir R. Peel appeared at the Bar with the following Message from the Crown:—

"VICTORIA Regina.—Her Majesty being desirous of conferring some signal mark of Her favour and approbation on the right honourable Sir Henry Pottinger, baronet and G.C.B., for the eminent services rendered by him, and particularly for the zeal, ability, and judgment displayed by him as Her Majesty's Plenipotentiary, in the negotiation of Treaties of Peace and of Commerce with the Emperor of China, recommends it to the House of Commons, to enable Her Majesty to make provision for securing to Sir Henry Pottinger a Pension of 1,500*l.* per annum for the term of his natural life."

The Message to be taken into consideration on Monday next.

THE LEBANON—THE DRUSES AND MARONITES.] Dr. *Bowring* begged to ask

the right hon. Baronet the First Lord of the Treasury, whether the Government had received any official accounts of the destruction of persons and property in Syria, and whether any measures had been taken to put a stop to those outrages?

Sir *R. Peel* regretted to say that the Government had received very afflicting accounts from that part of Syria; but the Representatives of the Five Powers and the Consuls at Beyrout had adopted every measure in their power to arrest the progress of these lamentable disorders. He understood that, without waiting for instructions, the Representatives of the Five Powers assembled at the house of Sir Stratford Canning, and agreed to make separate representations to the Porte, urging the necessity for taking immediate measures for the purpose of restoring tranquillity in the Lebanon. Nearly at the same time the Consuls of France, Austria, Prussia, and Russia met at the house of Colonel Rose at Beyrout, and determined on making a collective representation to the Pasha on behalf of those Powers, urging on the Pasha the necessity of making more effectual the measures that had hitherto been adopted. The last accounts received, dated the 20th of May, stated that the meeting had taken place, and that the collective representation had been made to the Pasha. Colonel Rose stated that desultory burnings and outrages were still going on, but that, generally speaking, tranquillity had been completely restored. In justice to Colonel Rose, he must say that that gallant officer had not only been actively engaged in carrying on these negotiations, but that by his exertions the lives of 575 Maronites had been saved. It appeared that a village had surrendered on condition of being allowed safe conduct. They informed Colonel Rose that they had agreed to travel through the Desert; and he therefore made up his mind to accompany them. He addressed the chief of the Druses, stating that the civilized powers were interested in the safety of these people who professed the same religion, and they consented to let three of the Druse chiefs accompany them. By this means they were enabled to travel with safety through forty miles of country filled with bands of wandering Druses, who, but for this interference, would, in all probability, have massacred every one of these persons. Every effort had been made to put down those disturbances; and he trusted those efforts would be attended with success.

SPANISH SUGARS.] Mr. *Labouchere* said, a rumour had prevailed recently in the city, respecting which he should wish to ask the right hon. Baronet the First Lord of the Treasury a question. The rumour was, that the Court of Spain had recently sent in a claim to the Government to have the sugars produced in its colonies of Cuba and Porto Rico admitted to consumption in this country at the same scale of duties as those imposed on the produce of the most favoured nations, founding their claim upon Treaties actually in existence. He would strictly guard himself against offering at that moment any opinion with respect to the validity of the claim; but he wished to know whether it had been made by the Spanish Government?

Sir *R. Peel* said, that a communication had reached the Government from the Spanish Minister, claiming, under the Treaty of Utrecht, the right of admission at the most favoured rate of duty for the sugars grown at Cuba and Porto Rico. No answer had yet been given to that application; but he had no hesitation in saying that he should be prepared at the fitting opportunity to lay both the communication and the answer to it before the House. In the meantime, he must commend the prudence of the right hon. Gentleman opposite in abstaining from expressing any opinion upon the subject, as the demand and the reply made to it would both be placed before the House at the same time.

PARTICIPATION IN THE SLAVE TRADE.] Mr. *Forster* said, he had a question to put to the right hon. Baronet, and a very few words would explain the nature and object of it. It referred to a petition he presented about a week ago, which had been printed and circulated with the Votes, from a large body of the most eminent merchants and manufacturers engaged in British trade to Brazil, Cuba, and Africa, complaining of certain charges against English merchants and capitalists contained in a Message Mr. President Tyler had sent to Congress, and which had received the implied sanction of the right hon. Baronet at the head of Her Majesty's Government, and praying "the protection of the House against imputations so undeserved and so dishonourable to them and to the honour of their country." The Message arrived in this country in the middle of March. Shortly afterwards his hon. Friend the Member for Leeds put a question to the right hon, Ba-

ronet relative to a gross mis-statement in the Message on the subject of the apprenticing of captured negroes in the West Indies; and it was on that occasion the implied sanction of the charge against British merchants and manufacturers was given by the right hon. Baronet. The moment the charge received the sanction of the right hon. Baronet, he gave him notice, at the request of some of the parties, that the attention of the House would be drawn to the subject; and the petition would have been presented sooner, and the question he was about to put would have been asked sooner, but the parties wished that ample time should be allowed the right hon. Baronet to make his inquiries and produce his proofs, if he had any. With these observations, he would ask the right hon. Baronet whether there were any documents in possession of Government confirmatory of the participation, direct or indirect, of British subjects in the Slave Trade, charged in Mr. Tyler's Message to Congress, dated the 19th of February, 1845; and if so, whether there was any objection to the production of such documents? Also, whether Government could furnish to that House the names and description of any of those vessels alleged by Mr. Tyler to have been loaded with goods for the Slave Trade, by or on behalf of any British capitalist, merchant or manufacturer (inserting or omitting the names, as thought proper), in the United Kingdom or elsewhere, or in any other manner, as alleged in the same Message?

Sir *R. Peel* said, the question of the hon. Member had been put to him some weeks since by an hon. Member opposite, who had raised an inquiry as to certain allegations contained in the President's recent Message to Congress, wherein it was stated that certain British subjects carried on a trade in slaves at Rio and on the Coast of Africa. It was also therein stated that certain subjects of the Queen were concerned in the Slave Trade in other countries. He (Sir R. Peel) had then stated that he was not prepared to admit or to deny the facts averred; but that if the case was as asserted, the law applicable to such offences should be resorted to and applied. The President's Message was accompanied by several documents, which, as the hon. Member who asked the question was acquainted with them, he should refer to. Those documents stated that three vessels were fitted out as slavers; their names were, the *Agnes*, the *Montevideo*, and the *Sea Nymph*. The President declared those vessels to be the property of citizens of the United States; but they had employed an English broker to conduct their sales at Rio. That was all the information he had received. If the statement were correct, and that the law would reach those parties, the Government would feel it their duty to make them amenable to it. Two years since, the House of Commons and House of Lords, acting upon the presumption that British capital was occasionally employed in foreign countries in carrying on the Slave Trade, passed an Act rendering British subjects resident in foreign countries liable to the same penalties for so carrying on the Slave Trade as any other British subjects. He would only repeat that if the law could be made to reach the parties in this case, the Government would apply it.

Mr. *Forster* said, the right hon. Baronet had referred to Papers furnished to the President of the United States by Mr. Wise, the American Minister in Brazil, upon the authority of which the charges in question were made. He (Mr. Forster) held copies of these Papers in his hand; and to show the spirit in which they had been got up, and the degree of credit due to them, he need only inform the House, that amongst other charges equally well founded, was one charging British naval officers with abetting and conniving at the Slave Trade, while cruising on the Coast of Africa for the suppression of that traffic. They were accused of favouring the shipment of slaves to be afterwards captured by themselves, that they might claim the bounty or head money. This was sufficient to show the gross falsehood and absurdity of charges issuing from such a source.

Sir *R. Peel* answered, that he had expressed at that time his opinion that it was unfortunate the President of the United States should have declared publicly to Congress that the state of the apprentices in the West Indies was as bad as that of the African slave; and he (Sir Robert Peel) then stated, if the President wished to appoint a Commission of Inquiry into that matter, every facility should be given for the investigation. He had at the same time also stated that he could not concur in the general allegations of the President's Message, and had expressed his belief that some part of it was founded in error. But at the same time, these do-

cuments contained the specific mention of a British broker and a British house.

Mr. *Milner Gibson* said, that the name of the *Agnes* had been mentioned as one of the vessels employed in this traffic. Now, he had been authorized to give the most formal and unqualified contradiction to that statement; and he thought that the right hon. Baronet, in answering a question, might have abstained from casting even the remotest imputation upon parties who had had no opportunity whatever of rebutting the charges.

Sir *R. Peel* then read the extract from the document which had been referred to, omitting, however, to mention the names of the broker and the merchant.

Mr. *Hume* said, that the right hon. Baronet had not answered one part of the question, and therefore, he would put another question. He wished distinctly to know whether official information had come under the notice of the Government that any naval officer belonging to Her Majesty's service, or any British subject had been engaged in the Slave Trade?

Sir *R. Peel* said, he had not the slightest information on the subject.

The Law of the Channel Islands.] Mr. *Roebuck* wished to know whether, from circumstances which had lately come before the Home Secretary, that right hon. Gentleman was of opinion that the state of the law in the Channel Islands called for inquiry; and, if so, what he, as the adviser of Her Majesty, having power, not only of inquiry, but of legislation, proposed to do?

Sir *James Graham* said, that circumstances had come to his knowledge with respect to the administration of justice in the Channel Islands, which induced him to think that some inquiry should be instituted. He was not, however, disposed to assent to the form of inquiry proposed by the hon. and learned Member, of a Committee of Inquiry of that House. He had thought it, however, his duty to address a letter officially to the President of the Council, recommending that the pleasure of Her Majesty in Council should be taken whether a Commission of Inquiry might not be issued into the mode of the administration of the criminal law in the Channel Islands, and of the constitution of the tribunals by which that law was administered.

Mr. *Roebuck* did not altogether agree with the right hon. Baronet as to the ineligibility of a Committee of Inquiry in that House.

Academical Institutions (Ireland).] Sir *James Graham* moved that the House should resolve into a Committee, for the purpose of passing a Resolution on which to found a grant necessary to the formation of Colleges in Ireland. He proposed that the Vote should be taken *pro formâ*, and the debate on the measure be postponed till Monday next. It was necessary that such a Resolution should be passed before the money clauses of the Bill could be inserted.

On the Question that the Speaker leave the Chair,

Mr. *W. Smith O'Brien* rose to offer no opposition to the Motion for the Speaker leaving the Chair; but he was anxious to submit to the Government, by way of friendly suggestion, and in favour of the Bill, what he thought he might state to be the opinion of the people of Ireland upon this subject. They were unanimous in considering the subject of the education of the people of Ireland to be well worthy the attention of the Legislature. They were desirous that a portion of the Irish revenue should be appropriated to that purpose. But it remained to be considered whether this institution should be founded upon the principle of giving a united education or a separate education. As to the preference to be given on either side, it was not open to him to speak, because he had always avowed himself an advocate of the system of mixed education. The proposed plan by Her Majesty's Government had been submitted to the Roman Catholic bishops, and they had suggested several modifications which, he might say, had received the concurrence, in substance, of a very large portion of the Catholic people in Ireland. There was one point which he believed the public opinion in Ireland, and to a great extent the public opinion in England, was entirely agreed upon, namely, that means of religious instruction ought to be provided for in this Bill. Upon that point they felt—and he believed most justly—that the present Bill was defective. How far the Amendments intended to be introduced by the right hon. Gentleman (Sir James Graham) would meet that objection, and remedy that defect, of course he could not tell. But the early day appointed for the Committee on the Bill would render it utterly impossible for the public in Ireland to form a judgment upon it. He, however, would fairly warn the Government, that if they did not bring forward a measure which would be on this

point satisfactory to the Catholic bishops and people of Ireland, the Bill would be found a dead letter altogether. He confessed that to him it appeared that, in bringing forward a measure affecting the great body of the Catholics of Ireland, it would only have been becoming to have taken means to have consulted the Catholic priesthood of that country. But, so far from doing so, Her Majesty's Government seemed to make it a matter of pride not to have done so. But upon such a question as this it was for the clerical authorities to express their opinion, rather than the laity. But with respect to the 10th Clause, the laity had expressed, and that very emphatically, their opinion; and he could tell Her Majesty's Government, that he had not heard one single opinion throughout Ireland which was not unfavourable to the clause as it now stood. What might be the best mode of appointing the professors, was a question he would not venture to enter upon; but upon this point all parties were united, that it was disgraceful to the Government to make these institutions a Government job; and such would be their character if Clause 10 stood as it was now framed. He need not tell the Government that they did not possess the confidence of the people of Ireland; and, therefore, in a matter like this, where confidence was involved, Her Majesty's Ministers had no right to expect that the people of Ireland should entrust to them powers unaccompanied by such securities as would satisfy the natural jealousy of a people who had been treated as the Irish people had been. They could not forget that the present Government had made an attempt, which, however, had signally failed, to put down the expression of the national opinion in Ireland; and that they attempted to effect that object by means which it was not necessary now for him to characterize. He was bound to tell them, that a strong sense remained on the minds of the people of Ireland of this attempt on the part of the Government; and, under these circumstances, he would not be a party to placing in their hands powers which might be abused. Referring to their acts with regard to the appointments under Lord Normanby's Government, would it not justify him (Mr. W. S. O'Brien) in objecting to place in their hands such a power as that which they now claimed to themselves? The Bill, as it at present stood, gave at all times, and to all Governments, the power to appoint professors to these Colleges, who must necessarily possess great influence, directly and indirectly, upon the education of the Catholic students. He was not, however, at all unfavourable to this Bill; on the contrary, he might take some pride to himself for having been a Member of the Committee from which the proposition for providing academical education for the people of Ireland emanated. The Committee was appointed on the Motion of the hon. Member for Waterford, and he (Mr. W. S. O'Brien) had the honour of seconding the Motion. He had also the honour of having been an overseer of a great seminary established in his own county, and his constituents were extremely anxious upon the subject. They were most desirous that such an institution should be established; but, at the same time, he confessed he would rather forego all the advantages which these institutions promised to the country, and all the satisfaction which those with whom he was connected would derive from them, than be a party to establishments upon the terms proposed by Her Majesty's Government. He offered these observations, not from the vain hope of inducing the House to adopt his views; but he submitted them to Her Majesty's Government for their own sakes. They professed to be desirous to bring forward measures conciliatory towards Ireland. He would now tell them, that if they persisted in this measure, as it was at present framed, so far from doing that which would be satisfactory to the great bulk of the people, they would lay fresh ground for political discontent and continued agitation. The result of this measure, in his opinion, would be, that the people of Ireland would feel that the Government had expended the money of Ireland—["No"]—yes, the money of Ireland. He would repeat, that the people would believe that the Government would cause the money of Ireland to be applied to the endowment of an institution which would be attended with no possible good whatever.

Mr. *Colquhoun* wished to ask his right hon. Friend a question with respect to an addition which he purposed making to the proposed Bill; but before he did so, he wished to make a few remarks upon the speech of the hon. Member who had just sat down. That hon. Gentleman had said it was his most earnest desire to see a College established in the town which he represented, yet he had allowed that House to go on for weeks discussing the present

question, without taking his proper position as a Member of the Legislature, or seeming to interest himself in it; and now he came forward, and, while confessing that his expectations were not very sanguine with regard to influencing the House towards his opinions, he denounced the proposed measure. The hon. Gentleman was unquestionably deserving of respect and consideration; but he at once superseded the labours of the hon. Member for Waterford, and of all those hon. Members who had devoted their attention for years to this subject. Being one of the fifteen Members of the Committee over which the hon. Member for Waterford presided, the hon. Member (Mr. W. S. O'Brien) took upon himself to say, that that measure which had been recognised as satisfactory by the hon. Member for Waterford, was a measure which he, in the supreme position of a dictator, or rather as a deputy dictator, declared to be wholly unsatisfactory. He, who came fresh from Conciliation Hall—he, who had abandoned his duty in that House in order to carry on that most mischievous agitation in Ireland, which was now drying up the sources of its prosperity, preventing the application of capital, deranging new schemes of improvement, and impeding the employment of labour—he, thus coming fresh from Conciliation Hall, told them that this measure was to be the basis for increased agitation. He could not congratulate the hon. Member upon the position he had assumed upon this question. He would now ask his right hon. Friend whether, by the Amendment he intended to introduce into this Bill, he meant to make it compulsory on the student to attend a place of worship and receive religious instruction?

Sir *James Graham* said, that the words he proposed to insert in the Bill were for the purpose of removing all doubt with respect to the operation of this Act, either as it regarded the terms of incorporation or the by-laws. It would be quite open to the governing body to make any regulation with respect to the students attending divine worship.

Mr. *Milner Gibson* felt it his duty, as a Member of the House of Commons, to protest against the language used by the right hon. Baronet the Secretary of State for the Home Department, in calling this a mere formal stage of the Bill. On the contrary, he (Mr. Gibson) considered it the most important stage of the measure. It was, especially, that stage in which he, as a Member of Parliament had the most direct and important interest; for, what was it? It was a Motion to authorize the Government to apply the public money to the support of these new institutions. But for the necessity of applying public money to these Colleges, the Government would not have had any occasion to come to Parliament at all. In regard to what had fallen from the hon. Member for Limerick (Mr. W. S. O'Brien), as to the House being about to appropriate Irish money, he (Mr. Gibson) did not like these distinctions between Irish and English money. The House of Commons was going to appropriate a portion of the general revenue of the United Kingdom, and the only question they had to ask themselves was, what was the purpose to which they were going to apply it? Were they justified in thus appropriating a portion of the general fund of the United Kingdom? For his own part, he was beset by these education questions, and by the various opinions upon the subject of endowments. He was told that it was very questionable whether bodies incorporated by the State for the advancement of learning was the best mode of accomplishing the object. It was feared that these corporations might become, as others had proved to be, rather asylums in which prejudice and ignorance would find shelter, than institutions for the advancement of learning. But he hoped that these institutions which were about to be established in Ireland, however just might have been the objection to former institutions, would, in their consequences, prove the means of advancement in learning. One reason, in his opinion, why Colleges endowed by the State did little for the advancement of learning was this—that everything was done in the way of erecting the building, and of putting professors into it with an independent income; but when they had done that, they had really done nothing to induce those professors to exert themselves for the benefit of their pupils. He looked upon it that all mankind wished to live at ease—that no man made exertion without necessity; and, therefore, he looked upon it that professors with independent incomes, and who did not rely for success on the advancement of their pupils, by the receipt of fees, were not likely to be very zealous to promote the learning of those pupils. He could, therefore, have wished to have had these professors supported

partly by salaries from the State, and partly by fees derived by their own efforts and exertions. He was afraid that as this was not the system to be adopted, these new Colleges would fall into the same state as existed in Oxford and Cambridge. Hon. Members, no doubt, recollected the description given by Mr. Gibbon of his tutor. Mr. Gibbon said—

"That he was a gentleman who well remembered that he had a salary to receive, but only forgot that he had a duty to perform."

Such he believed would be the case with the professors of these Colleges, if they did not make those professors depend partly for their incomes upon their pupils. But there was one part of this Bill which he most cordially approved of. It was that they, the civil Government of the country, had not allowed themselves to be used for the purpose of any religious prejudices or preferences. The cry which had been got up against these Colleges on the ground of the Bill not making provision for religion, was not the cry of the people. The cry was raised by the priests, who were not the representatives of the community, but simply of the ecclesiastical body. They might depend upon it that until the civil Government of the country persevered in resisting these attempts at making educational endowments measures of encouragement of priestly power and proselytism, they would never be able to accomplish any general plan of education. He looked upon the priests of the Roman Catholic Church, and, he might say, the priests of the English Church, and of all churches, with regard to education, with great jealousy. The cultivation of reason, and the pursuit of science and of philosophy, were not the appropriate avocations of priests. And until the civil power could prevent those institutions which were intended for secular teaching, from becoming instruments for proselytising the people from one church to another, he was afraid the benefits that would result from such institutions would be very limited. For these reasons he was in favour of not allowing priests to interfere with education in any manner whatever. He would not recommend it in the case of his own child, nor as a measure of legislation. It was not within the sphere of the priests to interfere with the teaching of science, mathematics, philosophy, or any secular thing. Their province was to minister religious consolation in fitting places. It was said that they could not teach secular knowledge without mixing it with religious instruction. But in his opinion these two things were entirely distinct. He could not understand why they could not teach arithmetic, astronomy, or mathematics, without making these the medium of religious instruction.

Mr. *Vernon Smith* did not wish to pursue the argument suggested by his hon. Friend, because he deemed it to be inopportune; but he wished to ask the right hon. Baronet (Sir James Graham) whether by allowing this Resolution to pass now, for the purpose of inserting the clauses, it would prevent any hon. Member hereafter proposing that the money should be taken from another source.

Sir *James Graham* said, his impression was, that in a Bill of this description it was not possible to insert clauses which made a charge on the Consolidated Fund without a previous Resolution in a Committee of the whole House. But this did not preclude any Gentleman from rejecting the clause when the Bill itself was considered in Committee. As he understood the matter, the only limit was that no larger charge could be proposed. A less sum might be proposed, or the clause might be objected to altogether, or, as he understood, it might be proposed to fix the charge upon any other source.

Mr. *Speaker* said, that the authors of the Bill had no power to insert such clauses as were necessary in this Bill, unless they were previously instructed by a Committee of the House. But when the Bill itself was in Committee, then it would be competent for the Committee to reject the clauses altogether, or to reduce the amount; but they could not charge the sum upon any other public fund.

Mr. *Roebuck* quite agreed with his hon. Friend the Member for Manchester, that this question ought not to be passed over as a mere formal vote. It could not be doubted that this, of all others, was the most proper time for discussing the principle of the measure. The hon. Member for Manchester said that he was against endowing any body of men for the purpose of instruction. Education was one of the means of promoting good actions, and of leading men to practise virtue. Administration of justice was another means. There were institutions for both purposes, and he was willing to endow

them; he was willing to endow national education, and national courts of justice. He had voted for the endowment of Maynooth; he did not question whether the doctrines taught were true or false; but being called upon to vote for the establishment of a general system of education, it was of the first necessity that he should ask himself how was he to meet the conflicting opinions of the people with respect to religion. In two ways: by endowing separate establishments for every religion; or to appropriate the money of the State for secular education alone, leaving it to the ecclesiastical bodies and to the parents of the children to direct them in the ways of religion beyond the walls of the establishment. The House had determined upon the last mode. But he was now met with a strange phenomenon. He was startled by seeing the hon. Member for Limerick here. He (Mr. Roebuck) had been in the habit of looking into the papers, and he read that there was one William Smith O'Brien who gave his constant attendance at the Conciliation Hall, and had there declared, in the name of the people of Ireland (there was nothing like the three tailors of Tooley-street!)—that he would never appear again in the British House of Commons. [Mr. *W. S. O'Brien:* It is a mistake.] Certainly it was not his business to notice every speech made in Conciliation Hall: that would indeed fill his head with rubbish; but he (Mr. Roebuck) had a right to assume that the House of Commons had been assailed, not only in that Hall, but by the hon. Gentleman. And what had the hon. Gentleman said upon the present occasion? He had accused the House—and it was an accusation which he (Mr. Roebuck) recollected to have been made by Marat against Roland—the hon. Gentleman had accused the House of Commons of endeavouring, and wishing, and planning to corrupt the intellect of the people of Ireland. The students in these Colleges were to be taught arithmetic, surgery, mathematics, all matters of science, and perhaps even speaking English, and this was what the hon. Member for Limerick called corrupting the intellect of Ireland. It might be very well to get up a few claptraps upon this subject; but when the truth was sifted, it would be seen how worthless were the objections. It was very easy to talk about corrupting the intellect of Ireland; these were terms no doubt, prepared and studied in Conciliation Hall, and were of about the same value as most that was said there. Nobody seemed to recollect how the friends of such measures as these, setting aside their own feelings in favour of their own religion, had had to combat the opinions of their constituents, and to guide them to toleration, and after doing all this they were to be greeted and repaid by obloquy in every shape. The House was told from Conciliation Hall, that it was attempting to corrupt the intellect of Ireland; in what state of corruption or incorruption must that intellect be which suggested the accusation! The constituents of the United Empire sent Members to Parliament to watch over the interests of a great people; and he considered that those Irish Members who, instead of remaining absent from their places and their duties, had shared the difficulty of the task, and had braved the momentary ill-feeling of such as pursued a different line of conduct had done themselves great honour. He revered them for the sacrifice they had thus made; but he could not understand what should at one moment take a man to Conciliation Hall, exciting groundless discontent, bitter religious animosities, national hatred, and vulgar prejudice, and in the next bring him back to the House of Commons, and fancying, in spite of the venom he had uttered elsewhere, that he shall be secure, because armed with the attributes of a Member of Parliament. Was such a man to be allowed to insult the Commons of the British Empire, by repeating the trash he had picked up in Conciliation Hall? Might not those who were attacked turn round and inquire what motive could have led to such conduct, and whether it was to be imputed to anything but disappointed vanity? Unable by the force of his own abilities on a fair stage to acquire power and influence, it seemed as if such a man had resorted to other scenes where it was of easy acquisition, and where he might flutter for a time in a brief and butterfly existence. It was not difficult to understand what the leading spirit of that party was about—his tactics were very intelligible—want was staring him in the face—he was obliged to pander to the appetite of the people of Ireland in order to satisfy his own. The cravings of hunger were strong; and they explained the grovelling and unworthy course that had been

pursued. This consideration might have led to what had been witnessed, and those who followed in the train of such a leader deserved little respect either for their position, or their intellect. He was confident that the people of Ireland would understand and properly estimate this and other measures brought forward in a kindred spirit. He was willing to rely upon the penetrating power of truth, and did not think it necessary to accept the hon. Member for Limerick as the representative of the people of Ireland. Let the British Parliament do its duty. Let it do its duty without fear or affection, and provide the means of education for that large body of the natives of Ireland who required it. They had a strong desire to receive it; and it would be given in a spirit of kindness, toleration, and truth. Let Parliament persevere in doing fair justice, and Ireland would make an ample return, in attachment to the State and obedience to the laws. Let it forget Conciliation Hall and all that had proceeded from it, and it would soon witness the last throe of its expiring existence.

Mr. *S. O'Brien*, considering the personal character of the speech just delivered, hoped to be allowed to say a few words. The House had just witnessed the discharge of the accumulated venom of three months.

Sir *R. H. Inglis:* I rise to order. I am sure the House will listen to any explanation or any vindication from the hon. Member who has been attacked; but I believe the House will not permit him, when professing to vindicate himself, to attack the hon. and learned Member whose speech we have just heard. Other opportunities will arise, when the hon. Member may give such answers as he thinks fit; but at present he is limited to the vindication of himself, and cannot make a second speech for the purpose of attacking any one else.

Mr. *Bernal Osborne* wished to recall the attention of the House from the personal to the national matter before it. What had just occurred seemed a bad example of the supposed advantages of education. To descend to such matters, and to bandy taunts, was not a very becoming or useful mode of conducting the business of the country. It appeared to him that his hon. Friend below him (Mr. S. O'Brien), from not having recently been in the habit of addressing the House, had a little overshot himself. He (Mr. B. Osborne) concurred in the opening remarks of the hon. Member for Manchester.

Sir *H. W. Barron* rose to order. The question of form having been disposed of, after what had fallen from the hon. Baronet the Member for Oxford, the hon. Member for Limerick remained in possession of the House. No other Member had, therefore, a right to interpose, especially to prevent an explanation.

Mr. *Speaker* said, that it was clear that the hon. Member for Limerick, having spoken once, was not entitled to speak again except in explanation, or by the indulgence of the House. That indulgence could only be obtained by the full concurrence of all the Members present; and the hon. Member for Limerick having been called to order by the hon. Baronet the Member for Oxford, had done quite right in resuming his seat.

Sir *R. H. Inglis* said, that the hon. Member for Limerick had stated that the hon. and learned Member for Bath was uttering the accumulated venom of three months. That was not a vindication, but an attack.

Lord *J. Russell* observed, that if the hon. Member for Limerick wished for a farther opportunity of explanation, he might easily find it hereafter. When the House had resolved itself into the Committee, it was clear that the hon. Member would have a right to be heard.

Lord *J. Manners*, for his own part was ready to move that the hon. Member for Limerick do proceed.

Sir *J. Graham* said, that if the Speaker were now allowed to leave the Chair, any Member could speak in the Committee just as often as he liked, and the House liked to hear him.

Mr. *Bernal Osborne* had no objection to second the Motion of the noble Member for Newark, excepting that he did not wish the personal part of the discussion to be continued. If these disagreeable matters consumed so much time, what would be left for the transaction of necessary and important business? He should have put on the Paper a Motion against taking the money out of the Consolidated Fund; but he had given way to the hon. and learned Member for Cambridge (Mr. Law), who seemed to have changed his mind, and as was said of the month of March, had "come in like a lion, and gone out like a lamb." That hon. and learned Member

had put a Notice on the Paper, and had subsequently withdrawn it.

House in Committee.

Sir *James Graham*, in Committee, moved the following Resolution :—

"That it is the opinion of this Committee, That a sum, not exceeding 100,000*l.* be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to defray the expenses of establishing New Colleges for the advancement of learning in Ireland; and that an annual sum, not exceeding 21,000*l.* be also issued out of the said Consolidated Fund, to pay the stipends, prizes, exhibitions, and other expenses of the said New Colleges."

Mr. *W. S. O'Brien*: I really do most unfeignedly apologize to the House for the necessity under which the hon. and learned Member for Bath has laid me, of entering into topics of a personal nature; but I would remind the House, as they seem to take pride in the denomination of "English Gentlemen," that they have been listening, not only with content but with approbation to invective in the most unmeasured terms, continued for nearly a quarter of an hour, and directed against my person alone. I believe I am now in order in repeating, and I will repeat, that I have had the satisfaction of witnessing to-night the delivery of the accumulated venom of three months' concoction. About three months since, the hon. and learned Member for Bath thought proper, in my absence, to make an attack upon me in common with the seceding Irish Members; and I took the liberty of telling him from Conciliation Hall, that I treated his insinuations with contempt. I had no elaborately prepared invective with which to reply to the hon. and learned Member. It is my custom in this House to maintain, so far as I am able, the character of a gentleman, without offending any one; I trust I have never shrunk from the duty of exposing a bad measure or a bad principle, and I trust I never shall; but I do not pride myself, and I hope I never may, in being able to accumulate sentence upon sentence that would give pain to any man. The hon. and learned Member, however, has utterly failed in giving pain to any one except his unfortunate self; I treat his attack with unutterable contempt, and accompany that contempt with my intense pity.

Sir *R. H. Inglis* rose again to order. He wished to ask the Chairman whether any Member could express unutterable contempt? [*Peals of laughter.*] Hon. Gentlemen thought they had caught him in an Irishism, but he was only repeating the expression of the hon. Member; and he must say that the animus with which that expression was used, was sufficiently clear to justify him in rising to ask whether such temper ought to be permitted to be displayed in this House.

Mr. *W. S. O'Brien*, in continuation, would save the Chairman the trouble of deciding the point by abandoning the expression; and he would leave the House to judge how far his vanity had been disappointed. When he ceased to attend in his place, he enjoyed the friendship of a greater number of Gentlemen than at any former period of his life; he might add, that there were then some circumstances attending his career that were personally exceedingly gratifying. He felt no individual animosities—not even towards the hon. Member for Bath, and was ready at that moment to take his hand. He had not represented him fairly, when he said that either in Conciliation Hall or elsewhere he (Mr. S. O'Brien) had made a vow never to attend in his place in the House; the language he had used in public and in private was, that he would not attend until he thought that by doing so he could effect some good for his country. If any opportunity had arisen during the last two years, he was ready to have returned at twenty-four hours' notice. He had expressed the opinion, both here and elsewhere, that an Irish Member could better promote the interests of his country by confining his labours to Ireland, than by giving his presence in the House of Commons. As to the persons with whom he was in the habit of associating in Ireland, the hon. Member for Bath had thought fit to designate Conciliation Hall a scene of corruption; and he had applied terms at least equally offensive, but which he (Mr. S. O'Brien) had forgotten, to those who attended its meetings. Having attended those meetings for more than a year and a half, he would tell the hon. Member for Bath that he had never witnessed any proceeding that was not perfectly honourable to the parties concerned, particularly with reference to the humbler classes of his countrymen. So far from being ashamed of having participated in those scenes of supposed corruption, he was proud to be able to contrast Conciliation Hall with that House, in calmness and freedom from

asperity. The hon. Member for Bath had also thought fit to assail one in his absence who was infinitely more competent to defend himself, and to crush a less miserable antagonist than he was. The hon. Member for Bath had imputed motives to a man who influenced the destinies, not only of his own country and Great Britain, but of mankind at large; and the suggestion was, that having abandoned his professional exertions at the bar, by which he might at this moment have been enjoying wealth and power, he had made himself the leader of a great people, claiming their national rights, merely with a base desire of obtaining money. Such an imputation could only originate in a low and grovelling mind. Having said thus much of this laboured and prepared attack, it remained for him only to notice the arguments, or rather the insinuations, that if the Bill passed in its present form, appointing a number of men throughout the kingdom, selected from the most influential class, and capable of exercising that influence, it would not satisfy. Certainly, if these powers were to be at the disposal of the Government, and were exercised by the Government, he must repeat that it would be an attempt to corrupt the intellect of Ireland.

The Question having been again put,

Lord *J. Russell* said, that he did not wish to discuss the subject at present; but to ask the right hon. Home Secretary whether, on Monday, he would give explanations upon two points; first, not what was to be done with the 100,000*l.*, but to what the 21,000*l.* was to be devoted? secondly, whether any change was contemplated with respect to the appointment of professors? The hon. Member for Limerick had stated very strongly the distrust prevailing in Ireland upon this point; and without arguing the matter (he Lord J. Russell) might remark that he had understood that it was the intention of the right hon. Baronet to propose some mode by which the appointments of professors in the second instance should be in other hands than those of the Government. If an Amendment of this kind were introduced, it would give him (Lord J. Russell) the highest satisfaction.

Sir *J. Graham* rejoiced in the prospect of the approbation of the noble Lord. On Monday, he should have great pleasure, on bringing up the Report, in giving the required explanation upon the two points mentioned. Of the 21,000*l.*, it was intended to appropriate 7,000*l.* to each of the three Colleges.

Mr. *Williams,* though in general anxious to prevent the expenditure of public money, had no objection, in this instance, to the proposed grant. He only wished to know, why the second sum had been raised to 21,000*l.*, being 3,000*l.* more than was originally proposed.

Sir *J. Graham* should be ready to give the reason for the change on Monday.

Mr. *Williams* would not offer any objection to the principle of the Bill—that was not his intention. No doubt the right hon. Gentleman could explain the reason why 3,000*l.* had been added to the originally proposed sum; but he thought the explanation should be given in full, before the grant was agreed to.

Sir *J. Graham* observed, that it had been stated in the course of a discussion on the subject on a former evening, that the additional sum was to make provision for prizes and exhibitions; and it was then a generally expressed opinion, that such a provision would be most advantageous.

Mr. *V. Smith* considered the measure as a mere experiment. From all he had heard in the course of the debates upon this measure, he thought that there was some uncertainty as to whether they were not establishing receptacles for rebellion, and schools for sedition, instead of institutions such as were intended. Neither could he tell for whom these Colleges were designed; at one time it was said they were for what was commonly called the upper classes, and at another for the middling classes. [Mr. *Wyse:* Both.] If the object of the Government was the spread of education throughout the country, why did they not give similar Colleges to England and Scotland, which at present possessed nothing of the kind? Any of the constituencies of England or Scotland would be as glad of the like boon as Ireland; and he did not understand why the people of Ireland should be exclusively favoured with these institutions at the public expense. He very much agreed with the hon. Member for Waterford as to the means of their support being provided through the medium of the grand juries.

Sir *R. Peel:* I think there will be great difficulty in connecting the grand juries of Ireland with these institutions. In the first place, I doubt whether the

grand juries would be in themselves a satisfactory index of public opinion. In the next place, all experience shows that any measure which depends upon the united action of many grand juries must necessarily fail. If the grand juries had the power to give or to withhold the grant—if one were to be averse, while six or seven were in favour of the measure, though it is not likely that the plan would be defeated, yet it is clear that the burden would be unequally distributed; for six would bear the burden — one would be exempt. But that is not all; for the county that was most distant from the seat of the College, might argue that they were less interested than the others, and therefore ought to pay a smaller contribution. Take Munster, for example; he presumed few persons would deny that the College in that province ought to be placed in the city of Cork. But the county of Tipperary might say, "We have less benefit than Cork. Cork is the larger and the richer county; and the gentry and persons of affluence in that county have more benefit from it than we have; therefore, their contributions ought to be greater." If the House, therefore, thought any benefit was to arise from the institution of these Colleges, I hope they will not allow the benefit to be intercepted by attaching to these establishments, that they should be supported by local contributions. The Government have not been indifferent to this subject; but we think the easiest plan is for the State to provide an excellent system of secular instruction, and leave it to private parties to establish a course of religious education.

Mr. *Wyse* said, he had all along objected to giving these institutions the character of Universities, either in the style of education afforded in them, or in the power of conferring degrees. What he wished was, to have a system of education sufficient to qualify persons for the ordinary avocations of life, and for scientific pursuits; such as would enable them to become civil engineers, for instance. He regretted that the Government had not adopted his suggestions to a greater extent, because he believed that they would have been productive of much more benefit. He was, however, pleased with the instalment brought forward, trusting that on a future occasion the measure would be more extended.

Mr. *P. Borthwick* said, he voted for the granting of this large sum of money with the view of impregnating the minds of the middle and lower classes of Ireland with useful education.

Sir *D. Norreys* said, he had accepted this measure with great pleasure, believing that the Government were about to introduce a system of education into Ireland which, he hoped, would form a precedent for this and other countries, and according to which talent alone was to be honoured. But now he should wish to know whether the Government still adhered to the principle that no religious test should be required, either directly or indirectly, from the students, principals, and professors?

Sir *J. Graham* said, that no religious test would be required from any principal, professor, or student; and the principle of the measure remained unchanged in that respect.

Mr. *Acland* asked, whether the right hon. Baronet meant that these halls proposed to be constituted, would be prevented from having a distinct religious character?

Sir *J. Graham* had no difficulty in saying that everything in reference to the halls was without the Colleges, and what was done as to the halls would depend on the will of their founders. These halls would not be aided, directly or indirectly, by the public money.

Mr. *Sheil* said, there were two questions he wished to ask the Government. He would put them now; but the Government might postpone the answer, and perhaps it would be better they should; the questions being of very high importance, and upon points which were exciting the greatest interest in Ireland. The first question was this:—Has Government determined to reserve to the Crown the appointment of the professors? The second question was this:—Has the Government determined there should be no stipend awarded to a chaplain — Protestant or Catholic — entrusted in these Colleges either with the administration of divine service, or with the imparting religious instruction?

Sir *J. Graham* said, the noble Lord opposite had already put the former question to him; and he had undertaken to give an answer to it on Monday. He was prepared to answer the question then; but he thought it would be better to answer both the one and the other on the day he had named.

Sir *H. W. Barron* said, it was of the last importance that a Bill of that descrip-

tion, meant for the benefit of the middle and higher classes in Ireland, should meet with the good opinions of these classes. He hoped, therefore, that the Government would alter the views which they had at first announced respecting it; so as to take care that the measure would not go before the people of Ireland merely as a source of patronage to the Crown. He gave this advice solely from his desire that the Bill should pass under the most favourable auspices.

Mr. *Williams* could not help expressing his regret that the Government had departed from the sum which theyhad originally fixed upon for the maintenance of these Colleges. Considering that the large grant of 100,000*l.* was to be voted in the first instance, and that the support of these Colleges was afterwards to be defrayed out of the public revenues, he thought that the Government should be satisfied to rest there; and that they would allow the funds necessary for rewards and premiums to be contributed, as in Scotland, by private individuals. He would, however, be satisfied to allow the additional 3,000*l.* to pass without opposition, provided the Government would consent to leave that part of the grant subject to the annual control of Parliament, as he did not object so much to the amount, as to the principle involved in it.

Sir *James Graham* said, he had before announced that he would enter fully into the subject on Monday. He would, however, beg to remind the hon. Gentleman, that this country and Scotland were very differently circumstanced from Ireland in this respect; as the Colleges proposed to be erected in the latter country would be new institutions, giving but little inducements to private parties to contribute towards their success.

Lord *John Russell* observed that when he had asked the right hon. Baronet for an explanation of the course to be pursued, it was with a view that other Members who were not satisfied with the application of the amount demanded, and the House generally, should take into consideration whether it would be better to enter into the question now, or to reserve their observations to a future period.

Sir *Thomas Acland* said, he thought it right to express a hope that the Bill would not leave that House without some security being given in it, that the professors to whom the education of the youth of Ireland were to be entrusted, would have a belief in the truths of Christianity.

The two Votes—one of 100,000*l.*, for the building of new Colleges, and the other of 21,000*l.* annually, for the support of the Colleges—were then agreed to.

The House resumed. Report to be received.

Medical Reform Bill.] On the Motion, that the Order of the Day be read for going into a Committee of Supply,

Mr. *Bernal* said, he would take that opportunity of asking the right hon. Baronet a question with reference to the better regulation of the medical profession. Much excitement prevailed throughout the country, with reference to the clause introduced affecting the right of chemists and druggists to dispense medicine. A great many petitions had been presented on the subject; and he thought it would facilitate the object of the right hon. Gentleman, if he would state whether any other clause was to be introduced involving the interests of the class to whom he alluded.

Sir *James Graham* said, there was a special provision in the Apothecaries Act, limiting the power of chemists and druggists with respect to dispensing medicine; and as the Bill which he had introduced would repeal that Act, he intended to place them, under the new Bill, in precisely the same position which they occupied under the existing law.

Pensions for Naval Officers.] Sir *G. Cockburn* said, a question had been asked of him the other night, by the hon. and gallant Officer opposite (Sir Charles Napier), as to whether the Admiralty were prepared to alter their former order regulating the granting of pensions to wounded officers. He thought it right, in explanation of the answer which he had given on that occasion, to add, that the Government always reserved to themselves the right of recommending to Her Majesty to grant pensions in extraordinary cases of good conduct or otherwise, even where the wound was not of a nature to cause the loss of a limb. He thought this explanation necessary, lest it should be supposed, that whenever an officer was wounded, he would be entitled to an annual pension.

Sir *Charles Napier* said, it would be much better that parents, before sending their sons into the Navy, should know that no pensions would be given for any wound

which was not equivalent to the loss of a limb. He thought the Navy would be treated better, if they were at once informed, that in all cases of wounds not involving loss of limb no pension would be given, instead of being left, as at present, in doubt and uncertainty as to the matter.

IRISH FISHERIES.] Sir *Henry Winston Barron* brought forward the Motion of which he had given notice, for calling the attention of Her Majesty's Government, on the Order of the Day being read for going into Committee of Supply, to the neglected state of the Irish fisheries. He said he thought he could show that the Board of Works in Ireland were not doing their duty—that they had grossly violated the Act of Parliament, in not fulfilling the duties entrusted to them by the Legislature, with reference to the fisheries in Ireland. The proper management and encouragement of the fisheries was a subject of most vital importance to a large class of the people of Ireland. The present Act was in force for three years; and yet within that period, out of 160 or 170 rivers, in which the Board of Works were to fix the boundaries between the fresh water and salt water, they had only arranged these bounds in fifteen rivers, eight of which were in the county of Kerry. In the next place, he had to complain that they had not complied with the provision of the Act, which required them to lay Reports before that House within three weeks of the meeting of Parliament in each year. Instead of doing so, their first Report in 1843 was not laid on the Table of the House until May; their second Report, in 1844, not until July; and their third Report, for the present year, had been only made within the last fortnight, and had been only five days in the hands of Members. The third complaint which he had to make of the Board was, that when a number of gentlemen interested in the success of the Irish fisheries wished the Board to convene a meeting in Dublin last winter, as they were required to do by the Act, the Commissioners refused, but said they would take any written statement which might be sent to them into their consideration. Such a document was accordingly prepared; but no further notice appeared to have been taken of it. The next omission of which he complained was, that they had not made such statistical Returns as should appear practical to them, as the Act required. But, in their second Report, instead of doing so, they stated that they construed the word practical to mean convenient. Why, he would ask, if such were the case, and if they did not find it suit their convenience, did they not tell the Government so, and divest themselves of the responsibility of carrying the Act into effect? The officers commanding the coast guards in Ireland were required to register all the boats employed in the fisheries within their respective districts. These officers sent in twenty-eight Reports; every one of which testified to the industrious and peaceable habits of the people employed in the fisheries, and to the fact that owing to the want of piers along the coast, the large boats necessary for the deep-sea fishery could not be used in many places. He trusted the Government would take this subject into prompt consideration. They voted 14,000*l.* a year for the improvement of the fisheries in Scotland, besides 3,000*l.* a year for building piers, and improving harbours in that country; and yet in Ireland, where such assistance was so much more wanted, they had not given a single farthing within the last three years for building piers. On the 26th of July, 1843, Lord Glenelg brought forward a Motion on this subject in the House of Lords; and on that occasion he expressed his regret that so valuable a Bill should be allowed to remain a dead letter on the Statute Book; and Lord Carbery, on the same occasion, stated that the Commissioners in Dublin gave a very cold reception to gentlemen who were anxious to advance the interests of the poor fishermen. The Duke of Wellington stated at the time that he would take care that the attention of the Government, in the proper quarter, should be directed to the subject; but he was sorry that promise had not been carried out. He considered these Commissioners were bound to ascertain the rights of the public, as well as of private individuals, so as to have them properly defined. He complained, that in his part of Ireland, the salmon breeding were destroyed by thousands and hundreds of thousands every year. The Commissioners had no excuse on this point; for they had ample power, and could ensure the assistance of the coast guard and the police. He conceived, that it was also the duty of the Commissioners to diffuse information on the coast of Armagh and Kerry, amongst the fishermen, as to the nature of the fisheries. Nothing

of this kind had been done. The truth was, that nearly all the mischiefs which existed, with respect to the fisheries, had arisen from their neglecting the provisions of the Act of Parliament. This was not a mere private right to be enforced by private individuals; but there were public fisheries which this Board was constituted to preserve. Again, the Commissioners admitted that the greatest destruction had taken place in several of the oyster fisheries; for instance, at Carlingford, and other places. It was said, that this deterioration of the oyster fisheries had been occasioned by the neglect of the Acts of Parliament. Now, these Commissioners were the only persons authorized to carry out the provisions of the Act. Now, he would suggest as a remedy, that instead of the present Board, to which such extensive duties were entrusted, that there should be a smaller Board, whose attention should be devoted entirely to the fisheries. He would also suggest the formation of local boards; at the head of each should be a paid officer; but that the other members should not be paid. He would also recommend that local inspectors should be appointed, to see the Act enforced under these boards. He also would recommend that steps should be taken to encourage the building of large boats, as the Irish fisheries were at about fifty or sixty miles from the coast; and, above all, he would recommend that small harbours and piers should be erected along the coast, and that the provisions of the Fisheries Act of last year should be carried out. The Irish fisheries were a most important nursery for seamen, and during the last war sent not less than 10,000 seamen to our Navy. The promotion also of the Irish fisheries would tend materially to ameliorate the condition of the poorer class of the people. He trusted that the Government would take up the subject.

Sir *T. Fremantle* did not complain of the observations of the hon. Gentleman. On the contrary, he agreed with many of them, and shared his desire to encourage the fisheries of Ireland. He was not well acquainted with the details of this subject. Most of the correspondence connected with it had taken place before his period of office. He thought, however, that the hon. Baronet had been too severe in his animadversions upon the Commissioners. The Act under which they had acted had been improved last year, and very judicious powers were now entrusted to them. It ought, however, to be borne in mind that the full operation of the Fishery Act did not rest with the Government, or with the officers of the Government. Much must depend upon the energy and enterprise of the individuals themselves. The hon. Baronet had stated that the Commissioners had been guilty of seventeen violations of the Act of Parliament; and, though he had not made up his number, he had brought forward many objections to their conduct. With regard to the first, the hon. Baronet was mistaken in saying that the Commissioners had not defined the bounds of the rivers. It was true that the Commissioners had not regularly placed before Parliament their Returns; and, though there was a natural desire by all public Boards to render their Returns as perfect as possible, which caused delay, this was an evil which he (Sir T. Fremantle) would do his best endeavours to remedy. The statement made by the hon. Baronet as to the declining state of these fisheries was somewhat exaggerated. In 1844, the number of vessels engaged in the fisheries of the first class had been 1,887; and in 1845, they had amounted to 2,237; while of the second class the vessels engaged in 1844 had been 14,048; and in 1845, they had reached 15,718. The hon. Baronet had made several suggestions which were worthy of consideration; but the worst of all these suggestions was, that they required a considerable outlay from the Consolidated Fund. They would, however, receive the best attention of the Government. The only difference between the hon. Baronet and himself was, whether the Commissioners were going on fast enough. It was difficult exactly to decide this question; but he could assure the House and the hon. Baronet, that there was every desire on the part of the Government to encourage the fisheries of Ireland.

Mr. *Sheil* thought that great credit was due to his hon. Friend for having directed public attention to another mode of improving the condition of Ireland. He admitted that Sir John Burgoyne was a most meritorious public officer; but he had so many matters to attend to in the various public departments with which he was connected, that it was impossible that he could attend to them all. He most strongly recommended the building of piers as being most essential to the well-

being of the fisheries. He could not conceive that any serious objections existed to the loan system, although many existed against the bounty system.

Mr. *Wyse* could bear testimony to many of the observations of his hon. Colleague as to the inefficiency of the Board of Public Works with respect to the public fisheries. He thought that a separate Board should be formed to attend solely to the fisheries. He was sorry that the recent Act had not been carried so extensively as it ought to have been into operation: he hoped that did not arise from any lukewarmness on the part of the Government. He entirely agreed with his right hon. Friend as to the advantage of the loan system, in contradistinction to a bounty system. He believed that such a system would be productive of the greatest good to a large class of persons.

Viscount *Bernard* agreed with the right hon. Member for Dungarvon that it would be productive of great good if the Government would extend the loan system to the fishermen in Ireland, so as to enable them to build larger boats.

Subject at an end.

Sir *C. Napier* having risen to bring forward the subject of the defences of the naval forts and arsenals,

Mr. *Speaker* said, the hon. Member had lost his opportunity, having already spoken.

Lord *J. Russell* thought it would be very hard if his hon. and gallant Friend should be precluded from addressing the House because he replied to an observation of the gallant Admiral opposite on a different subject. He should move, if necessary, that the other Orders of the Day be read, and then his hon. and gallant Friend would be in order; but he hoped his hon. and gallant Friend would be allowed to address the House.

MARITIME DEFENCES.] Sir *C. Napier* said, he did not mean to found any Motion on the subject as to which he had given notice; but he would proceed shortly to call the attention of the House to the state of the naval forts and arsenals, and the harbours for the protection of the mercantile marine. This subject was one on the importance of which he need not dwell; and he found that in the year 1796 Mr. Pitt had directed the attention of Parliament to it, and strongly pressed Parliament to adopt measures for the improvement of our coast defences.

"That it appears to this House, that to provide effectually for securing His Majesty's dockyards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the State, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged. . . . . And, in order to judge of its necessity towards that great object, he should attempt, but with much pain, to bring back the recollection of the House to the unfortunate and calamitous situation to which we were exposed in the late war, much in consequence of our want of those fortifications which it was the aim of the present question to provide. A considerable part of our fleet was confined to our ports, in order to protect our dockyards; and thus we were obliged to do what Great Britain had never done before—carry on a mere defensive war; a war in which, as in every other war merely defensive, we were under the necessity of wasting our resources, and impairing our strength, without any prospect of benefiting ourselves but at the loss of a great and valuable part of our possessions, and which at last was terminated by a necessary peace."

If measures for the improvement of the national defence were necessary in 1786, were they not still more necessary at the present moment, after thirty years' peace? The introduction of steam into naval warfare increased the necessity for taking measures of this kind. In former days it was much easier to prevent disembarkation on our coasts than it would be in future wars. The pamphlet of the Prince de Joinville—and a very clever pamphlet it was—showed the efforts which were now making by the French Government for the augmentation of their steam navy. At St. Malo and Cherbourg—ports contiguous to the Channel Islands—they had constructed extensive basins and docks for the repair of steamers; at Calais, the works for the same purpose were of the most extraordinary extent; and at Dunkirk, they were fortifying that port, which had been always regarded by this country with so much jealousy in former wars. By the last accounts the steam navy of France consisted of 26,476 horse-power:—

FRENCH STEAMERS.

20 frigates	8,100
6 corvettes	1,920
14 ditto	3,080
39 small vessels	5,056
	18,156

BUILDING.

13 frigates	6,120
10 corvettes, 220 ..	2,200
	8,320
	18,156
	26,476

The whole force we had amounted to 23,000 horse power, while that of France was 26,476.

ENGLISH STEAMERS.

3 steam frigates	4,900
23 steam ships	6,218
10 small steamers	875
18 packets	3,200
8 small steamers before 1st January, 1832	800
	15,993
8 steam frigates building ..	4,506
6 steam ships	2,485
5 smaller vessels	860
	7,851
7 not in Return	990
	8,841

Ordered—Desperate, Encounter, Conflict.
2 iron frigates.
2 Queen's yachts.

He would not pretend to say that the French steam vessels were better than ours; if they were not as good, he could say little for them; but they carried a much larger quantity of guns than ours. Some of them were more than 2,000 tons burden; at Portsmouth he had seen the *Gomer*, and he had no hesitation in saying that she was considerably larger than the *Terrible*, which was 1,800 tons burden. The French did not calculate the size of steam vessels by tonnage, but by horse power; but he believed the *Gomer* was 2,000 tons. With what facility might not France embark 2,000 men on board one of these large steamers, which would enable her in twenty such vessels to convey a force of 40,000 men in all. The days when fine seamen, good reefers, and smart hands on the top-sail yards, were wanted, were now past; the machinery, as the French said, was their power, and you could not prevent them from embarking men in those vessels if they chose. The last return laid before the French Chambers understated the real amount of their force. It was as follows:—

SAILING VESSELS AFLOAT.

23	ships of the line of all classes
30	frigates
19	war corvettes
3	corvettes avisos
26	brigs of war
21	ditto avisos
9	gun brigs
47	galiots, cutters, luggers, &c.
16 corvettes 35 lighters	transports
229	

SAILING VESSELS IN DOCK.

23	ships of war of different ranks, 17-24 parts finished
20	frigates (of which 5 were placed on the stocks, in 1845), at 13 47-24 parts
3	corvettes of war, at 5 33-24 parts
2	galiots at 18-24 parts
48	ships

STEAMERS AFLOAT.

4	frigates, of which 1 of 540 horse power, and 3 of 450 horse power
8	corvettes of which 1 of 320 horse power and 7 of 220 horse power
41	steamers of 160 horse power, and under
53	

STEAMERS ON THE STOCKS.

4	frigates, 1 of 640, 1 of 540, and 1 of 450 horse power, at 11-24 finished
10	corvettes, of which 5 of 320, and 5 of 220 horse power, and nearly 5-24 finished
8	steamers of 160 horse power, and under of which upwards of 1-24 finished
22	

The Report adds—

"For the service of the year 1846, and as a basis for the expense of the fleet, the Minister proposes to keep 170 ships of different sizes in a state of armament, namely:—

8	ships of the line of different classes
12	frigates, ditto
12	corvettes of war, ditto
1	corvette aviso
25	brigs of war
30	gun brigs, galiots, cutters, &c.
20	transports
62	steamers, of which 3 are of 540 and 450, 3 of 320, 10 of 220, 23 of 160, and 23 of 120 and under
170	armed ships of all kinds

IN COMMISSION DE RADE.

4 ships of war
4 frigates
4 corvettes

12

IN COMMISSION DE PORT.

4 ships of war
4 frigates
2 war corvettes
2 corvettes *de chargé*
6 steamers

18 vessels

That Report kept out of sight altogether the force of large steamers, twenty in number, the Transatlantic steam boats ordered to be built some years ago. Two months since an ordinance appeared, saying that they were not adapted for Transatlantic steam boats, but should be used as steamers of war, and a number more were ordered to be built. The French had an army of 320,000 men and 80,000 horses. When we had a war, it would be a sudden one; and since they could by means of rivers, canals, and railroads, bring an enormous force to our shores, the possibility of such an event ought to be sufficient to alarm this country, and awaken the attention of its Ministers. The French had built enormous fortifications at Paris, in order that a large portion of their army might be at liberty to act in case of war; on the same principle we ought to fortify our dockyards, in order to be able to employ the fleet, which would otherwise be needed for their defence. What defences had we? He would take Falmouth first. There the works were insignificant, the guns and carriages all rotten, and the walls mouldering to decay. That fort was but 100 miles from Brest, and with a steam navy it would be easy to embark 4,000 or 5,000 men; go to Falmouth, and then a few hundred barrels of powder, properly arranged, would do the rest, and reduce the fortifications to a very sorry condition. Plymouth was next. He would ask any hon. Gentleman who had ever been at Plymouth whether the citadel would stop a determined enemy from walking past it and destroying the fleet? If a war took place, the manifest policy of France would be to send her fleet of sailing ships to sea, in order to draw off ours, and then make play with her steamers. Next he came to Portsmouth. What was there to prevent a hostile squadron from carrying destruction into that arsenal? There was one fine battery of thirteen or fourteen guns, which enfiladed the harbour; the others, which were *en barbette*, could offer no defence. Then he would look to Pembroke, where we were continually building ships, without any adequate means of protection. There were, it was true, twenty-three 32-pounders above the dockyard; but nothing which could offer effectual resistance. At Sheerness, again, we had a mere saluting battery, though the dockyard had cost four or five millions of money, and a vast number of ships of the line were lying there in the Medway. What was to prevent an enterprising enemy, if we were taken by surprise and unprepared, as we were being nearly four or five months ago, from making a plunge at this dockyard, and inflicting immense loss? The hon. and gallant Admiral would say, he could remove the buoys. But what confidence could be placed in that resource, looking at the extraordinary things which we had done ourselves against the enemy, after they had taken that precaution, by sounding and finding out new channels? In America, during the last war, we ascended to Potomac, 300 miles and more, took the American towns and shipping, and destroyed the dockyards. In China, Sir W. Parker had ascended the Yang-tse-Keang, which was until then unknown to Europeans; and, aided by the gallantry and skill of his officers and men, taken the English squadron into the very heart of the empire. That showed what might be done by the energy of our officers. Suppose we had as strong a fleet at sea as the enemy, that would not supersede the necessity of having strong defences for our ports and dockyards, since our fleet might be evaded, and a landing effected, or if they were not successful in that, enormous loss might be inflicted on our mercantile navy, if we had not a very effective system of protection. Last war, the French fleet put to sea in the first instance only to destroy our commerce, and in their first cruise they captured 100 vessels; in the second they were also successful; in the third, they put to sea to bring into port a large convoy of provision ships, and then at length they were fallen in with, having been successful before. Lord Malmesbury, in his Correspondence, lately published, mentioned that orders were given to the Brest fleet to sail for Ireland at the very moment when he was treating with France for peace. They actually arrived off Bantry Bay, and it was only the separation of the vessel containing the commander in chief of the land forces

(General Hoche)—not any opposition from our own fleet—which led to the failure of the expedition; the French, losing some vessels by the weather, but none in action, before they regained Brest harbour. Again, the enemy baffled Lord Keith, one of the best officers ever known, during his command in the Mediterranean, when they succeeded in getting to Egypt; and it was not until after much delay that they were found, when the result was the battle of the Nile. Suppose we had a large number of steam vessels off one of our ports to defend it, a storm, or some other accident, might prevent them from keeping their station, and then a start of four or five hours would be sufficient to enable the enemy to throw any force they could muster upon Pembroke or Plymouth dockyard. If 40,000 or 50,000 men were landed in this country, where could we find any chance of collecting a number sufficient to meet them, unless our means of military defence were very greatly improved beyond their present state? He would now beg the attention of the House for a few moments to the recommendations contained in the Report presented relative to Harbours of Refuge. First, they recommended that Dover harbour should be selected for that purpose, as a splendid harbour, directly opposite Calais. He approved of it as a point of attack; but could a convoy or vessel arrive in it with facility during south-west gales? It was well known that with a westerly wind, vessels experienced great difficulty in rounding the Foreland. In connexion with Dover harbour, Ramsgate was capable of containing 400 or 500 vessels; our Commissioners were, therefore, not far wrong in recommending Dover harbour as one of those which ought to be made a receptacle for steam vessels. The next point which they mentioned was the want of a harbour between Portsmouth and Dover. He thought they had made a good selection of Seaford, because they recommended the best spot between Portsmouth and Dover. Portland had also been named as another halfway house. The coast of Harwich had also been recommended as a fit place for a harbour of refuge. Along the whole of the eastern coast of England and Scotland there were only tidal harbours, which vessels could not get into, except at high water. The French might, easily, from their port of Dunkirk, sweep the whole of the eastern coast of England and Scotland, and put a stop to our coal trade, by which the city of London might, in the winter, be kept without coal. Then, as to the western coast, the whole of that coast, with the exception of Liverpool, was undefended, and without any other harbour of refuge. At some future day, which they could not now foresee, the necessity for a better state of defence might be found, when, perhaps, it would be too late. He would only allude to another point. He believed the danger of collision at this moment, in consequence of the recent Convention with France on the subject of the Slave Trade, was greater than it had been before. The Right of Search was clearly understood; but now that we had abandoned that mode of detecting slavers, and retained the Right of Visit, the dangers of a rupture would certainly be greater. France had to send twenty-six vessels to the coast of Africa. England and America would send a corresponding force. They would all be acting independently of each other, and difficulties would arise which did not exist before. It was impossible at sea to know one vessel from another; Portuguese and Spanish ships might hoist French colours; and when a vessel was fallen in with which displayed the French flag, it would be necessary to lower a boat and ascertain whether she was really French or not. From the bad feeling which existed—not between the Sovereigns of the two countries, or their Ministers, who, he believed, were most anxious to maintain peace; but between the nations themselves—if a French merchant vessel, with a hot-headed commander, was fallen in with, he might run down the boat, and pretend it was done by accident. A collision would take place; and if a French man-of-war was at hand, a complaint might be made to the officer commanding her that the French flag had been insulted, and thus in one way or another a collision was much more likely to occur than before. For this reason, in addition to those which he had before stated, he thought it was most desirable that the defences of the country should be at once looked to.

Captain *Boldero* said, the hon. and gallant Officer contemplated the possibility of attacks being made on various points of our coast; but he forgot or overlooked the fact, that before an enemy could conduct those operations with success, it was necessary that such enemy should have the absolute supremacy of the ocean. He could assure the hon. and gallant Officer that the Master General of the Ordnance had taken means to strengthen our forts, and

to render our dockyards and harbours more secure. During last year a Commission was issued, the object of which was to inquire into the state of our defences generally, but especially into those of our dockyards; and that Commission had presented a Report which had received the entire concurrence of both the Admiralty and Ordnance Departments. The Commissioners pointed out, on the one hand, the defects in our means of defence, and, on the other, the manner in which those defects might be remedied; and it must be gratifying to the hon. and gallant Commodore to know that some of those defects had already been removed, and that great progress had been made in remedying others. He was convinced that when he mentioned the names of the officers who constituted that Commission, the greatest confidence would be felt by the House and the country, in their judgment and discretion. The first name he would mention was that of Sir George Hoste, Colonel of Engineers, by whose decease he (Captain Boldero) had to deplore the loss of a friend, and the country the loss of a scientific and distinguished man, who had done the State great service. The second member of that Commission was Colonel Mercer, of the Royal Artillery, an officer of great experience and ability. But the Commission was not composed exclusively of Ordnance officers. The third officer of the Commission was a member of that profession of which the hon. and gallant Commodore opposite (Sir C. Napier) was so distinguished an ornament—he referred to Sir T. Hastings, who had devoted much of his time and talents to the study of the science of gunnery. The Commission received clear and definite instructions from the Master General of the Ordnance, embracing all the subjects to which their attention was to be directed—not overlooking, of course, the superior calibre of ordnance which could be applied to purposes of attack or defence, or the improvements in steam as applied to navigation. It must be remembered that this country was not dependent for its means of defence solely upon fortifications or standing armies; but that, if they were driven to take measures of defence, they could not merely rely upon the Royal Navy, but that there was not a steam boat belonging to the mercantile marine—not even a tug boat on the Thames capable of towing an American liner—which could not be placed in some advantageous position for defence. The hon. and gallant Officer (Sir C. Napier) had indulged in many observations condemnatory of everything connected with our means of defence. The question was, however, what value ought to be attached to the opinion of that hon. and gallant Commodore. He (Captain Boldero) must say that if he required an opinion as to the state of the defences of Portsmouth, he should feel much more confidence in the opinion of a person who had, almost from childhood, been conversant with the science of fortification, than in that of the hon. and gallant Officer. The hon. and gallant Commodore had said that the defences of Portsmouth were so inefficient that an enemy might easily destroy them and walk into the harbour; but persons whose opinions carried great weight on such a question stated that Portsmouth was capable of offering a vigorous defence against an enemy; and, at all events, they were now taking steps to remedy the neglect of the last thirty years. To whom, he would ask, was the defence of this country entrusted? To his right hon. and gallant Friend near him (Sir G. Cockburn), a member of the Admiralty Board, in whose presence he could not express the high opinion he entertained of his ability as an officer and a sailor. Associated with that hon. and gallant Officer was Sir G. Murray, a most gallant soldier, and a man of great experience in the field. He considered, therefore, that there was little ground for the apprehensions entertained by the hon. and gallant Commodore, and that those apprehensions were shared by very few individuals.

Mr. *Rice* hoped, that after the Report referred to by the gallant Officer who had just sat down, the Government would be prepared to state distinctly the course they meant to pursue. It had been said that before any nation could make a successful attack on this country it must possess the supremacy of the ocean; but the opinion of the Prince de Joinville, as expressed in his pamphlet was, that France never had, and did not hope to possess, the supremacy of the ocean. It was the opinion of the Prince, and for that opinion he had given many good reasons, that means for attacking the British coast could be found, when there was an inferior French force in the Channel. The port of Dunkirk was now in admirable condition; the harbours of Calais and Boulogne had been materially improved and enlarged; and Cherbourg was now one of the finest harbours on the coast. He hoped they would hear from Her Majesty's Go-

vernment to-night whether they were prepared to propose any definite plan on a subject on which so strong a feeling prevailed—a feeling that had been manifested by every officer, naval or military, with whom he had conversed on this question. Reference had been made to-night to the evidence of the Duke of Wellington. That illustrious Duke was asked to state his opinion as to the necessity of the erection of new harbours. His reply was, "I have no doubt about it; I entertain no doubt that it is absolutely necessary. There is now no security between Portsmouth and the Downs."

Sir *R. Peel* rose and said, he supposed that the noble Lord opposite (Lord Palmerston) would not bring forward that evening the Motion of which he had given notice, but which he had not fixed for that occasion. With respect to the gallant Officer (Sir C. Napier), he should observe that he had a great advantage over Her Majesty's Government in discussing that subject. The gallant Officer knew perfectly well that it would be inconsistent with the duty of Ministers to discuss those details into which he had entered. The gallant Officer might think it a great public advantage to point out all the weak points of our coast; and he might deem it his duty to call the attention of Parliament and the Government to the mode in which this harbour might be destroyed, or that arsenal might be dismantled. That was the gallant Officer's view of his duty to his country; but the gallant Officer should know that it would be inconsistent with the duty of the Government to enter with him into the discussion of details of that nature. He had interfered with his gallant Friend (Captain Boldero) whose duty it was to move the Ordnance Estimates; and he had requested him not to answer the gallant Officer in detail. He should think that it would require an outlay of 25,000,000*l.*, at least, to complete that system of naval defence which the gallant Commodore advocated. The gallant Commodore had gone through the recommendations of the Commissioners, who had investigated the question of the construction of harbours of refuge in the Channel; and he had not only insisted on the desirableness of constructing those harbours to which the Commissioners had alluded, but he had found fault with them because they had not also recommended the construction of harbours of refuge in Dartmouth and other places. The gallant Commodore had told them that they ought to construct harbours in the eastern coast for the protection of their coal trade; and he had also stated that there was no port in our western coast but the port of Liverpool, that could be considered safe from the attack of an enemy. He supposed that the gallant Officer would also include in his scheme a supplementary outlay on the coast of Ireland, although he had omitted to make any reference to that part of the question. But the gallant Commodore would evidently include, in his proposal, the whole of the English coast and the coast of Ireland. He could, however, go beyond the gallant Officer, and include the Channel Islands in his outlay. But if they were prepared to incur, during a time of peace like the present, an expense such as they had never incurred in time of war, there would be no limit to the amount of their Estimates. He did not, however, say, that it would be prudent on the part of this country to trust to present appearances, or to the pacific declarations of other nations; but he thought, on the contrary, that it was the true policy of this country to take every reasonable precaution against any contingencies that might arise. They ought, no doubt, to calculate upon the possibility of war, and feel that that great calamity might yet come upon them; and, therefore, although he protested against the doctrine of the gallant Officer respecting the outlay we ought to incur upon our coast, he did not say that we ought to neglect those reasonable precautions which would prevent us from being taken unawares and unprovided in the event of a war breaking out. What was the course which the Government had taken? Why, they had already proposed an increase in our Navy Estimates; and they had also selected officers who were to consider the questions of improving our harbours and adding to our naval defences. He knew that it would not be wise on his part to enter into detailed explanations upon that subject; but still the gallant Commodore had precluded the possibility of his observing an entire silence with respect to it. The increase in the Estimates this year had no reference to the construction of harbours of refuge in the Channel. With respect to the defences of our ports and arsenals, he could readily believe, that with that pressure in our finances which had existed during several years previous to the accession of the present Government to office, it was impossible that those ports

and arsenals could have been improved or strengthened in the manner that would have been prudent under other circumstances. Her Majesty's Government had appointed Commissioners, and had received from them the fullest Reports respecting the defence of our harbours; but it was impossible for him to enter into details upon that subject. The gallant Commodore might come down to the House with his plan, and might state that in a particular fort there were but twenty-three guns; but he would not follow the example of the gallant Officer, and attempt to show what were the defences of Pembroke for instance, although he might differ from the gallant Officer upon that point. But they had received the Report of the Commissioners, and they had proposed a considerable increase in the Ordnance Estimates this year. The gallant Commodore was most anxious to avert the danger to which he considered that this country was exposed; and even the chance of London being deprived of its usual supply of coals had made a great impression on his mind. Now, he knew that the motives which had induced the gallant Commodore to make his statement were good; but he could not help thinking that his apprehensions were exaggerated; and he should also say, that he doubted the policy and the prudence of his mode of proceeding. With respect to harbours of refuge, he could assure the hon. Gentleman the Member for Dover, that the subject had not escaped the attention of Her Majesty's Government. But if there were any one thing in respect to which the utmost precautions were unusually necessary, it was the spending of 2,000,000*l.* or 3,000,000*l.* of money in erecting harbours of refuge. He had himself lived to see a harbour of refuge constructed at an expense of hundreds of thousands of pounds, which harbour had become almost utterly valueless, because sufficient precaution had not been taken to ascertain the nature of its sedimentary deposits. The Commissioners had estimated the cost of the construction of a harbour at Dover at 2,500,000*l.* That was no doubt a general estimate; but it was the best which the Commissioners could form upon the imperfect data before them. The cost of stone would be a most important item in any such estimate; and let it be remembered that there was no stone at Dover for the construction of a harbour, and that the best authorities were of opinion that the chalk cliffs of Dover would supply no fitting material for such a work. The Government had engaged the most eminent engineers in this country to report to them upon that question. They had selected five or six distinguished engineers to whom they had referred several points upon which the Report of the Admiralty Commissioners had not been quite satisfactory; those Commissioners having themselves suggested that before any Resolution were come to respecting the construction of a harbour of refuge at Dover, it was desirable that experiments should be made with regard to the amount of the sedimentary deposits there. The engineers appointed for the purpose were now considering that subject. The construction of such a work might involve an outlay, not of hundreds of thousands, but of millions; and before that work was undertaken, it was manifestly desirable that they should have the most reasonable grounds for believing that it would attain its purpose. The Commissioners thought, for obvious reasons, that harbours of refuge in the Channel were entitled in an eminent degree to the first consideration. He would content himself upon that occasion with giving his assurance that the whole subject had received, and was still receiving, the fullest consideration on the part of Her Majesty's Government. He could not, however, deem it consistent with his duty to propose to the House of Commons an enormous outlay without being able to show that every precaution had been taken; first, to insure the selection of the best place; and next, that every guarantee had been afforded that a work of that kind would, if undertaken, be so constructed as to afford the greatest possible amount of advantage to the public.

Viscount *Palmerston* said, whatever might be thought of the statements of the right hon. Baronet, there was one statement which he thought all would agree in. The right hon. Baronet stated that he charged his gallant Friend the Clerk of the Ordnance to take especial care not to answer the observations of his hon. and gallant Friend near him. That injunction had been implicitly obeyed—and undoubtedly in that respect the right hon. Baronet had shown his power as the chief of the Government over his subordinates. But he thought the right hon. Baronet might have spared some of the reproaches which he cast upon his hon. and gallant Friend (Sir C. Napier), of having been wanting in prudence in exposing to the public and to foreign nations what he considered to be

the weak points of our coast defences. But, in the language of the profession to which his hon. and gallant Friend belonged, the right hon. Baronet might "tell that to the marines, for sailors would not believe it." That might do very well for an audience less enlightened than the House of Commons; but he (Lord Palmerston) really was surprised that a Minister of the Crown should gravely endeavour to persuade the House of Commons that anything his hon. and gallant Friend had said, or anything that any other man had said, with regard to the nature and character of the defences of this country—the number of guns mounted, the number of ships, their position, or their qualities—could convey any information to the Government of any foreign nation. He was really surprised that the right hon. Baronet should have hazarded an assertion which he (Lord Palmerston) was persuaded was so inconsistent with the knowledge which the right hon. Gentleman himself possessed. Did the right hon. Baronet mean to tell him, who knew what office was, that he had it not in his power to give to the House of Commons information much more accurate in detail with regard to the defences of other countries? If he had not that information, the right hon. Gentleman had not performed the duty belonging to his situation. He (Lord Palmerston) knew well that every Government had the means, even in countries in which information was not accessible to the public, as it were here, of obtaining information of that importance; and in this country any foreign officer might walk from one end of the land to the other, and if he or his Government applied for permission for him to see the dockyard, that permission was never refused. He said, then, that it was carrying the farce of debate too far, when his hon. and gallant Friend was charged with stating anything that was not known better to the Government of France than to any man in England who did not turn his attention to the subject. The facts might not be known to the House of Commons and the public; but they were just as well known in detail to the Government of every country to which it was important to know them, as they were to the officers in Downing Street or at the Admiralty. The observations of his hon. and gallant Friend required no answer. He did not in any way seek to inculpate Her Majesty's Government; and if he was not misinformed, his hon. and gallant Friend had been in communication with the right hon. Baronet on this point, and had stated to him everything that he had stated in the House to-day. [Sir *R. Peel:* And a very proper course to take.] And a very proper course to take! But knowing that it was his hon. and gallant Friend's intention to bring these matters on for discussion in this House, if he thought that danger would arise from the discussion of these matters, it was open to the right hon. Gentleman to state to his hon. and gallant Friend that they should be considered, but that it was not deemed to be conducive to the public interest to bring them forward. The argument of the right hon. Baronet was not worthy of him, nor was it worthy of the consideration of this House. The subject which his hon. and gallant Frlend had brought under the notice of the House was of the greatest importance; and in what he was going to say in reference to it, he begged to state as to himself that which he had stated with regard to his hon. and gallant Friend, that it was not in inculpation of the Government, but really in the performance of a great and important duty, that he drew the attention of the House, and through it desired to stimulate the attention of the Government, to matters which were of the most vital importance to the dearest interests of the country. It might be said, "You are not only exposing the weak points of the country, but creating discussions of an irritating nature, tending to render peace less secure and permanent." He denied entirely that assumption, and said that if anything were calculated to render permanent and secure our friendly relations with great neighbouring Powers, it was the placing ourselves in a position of security against any sudden or unforeseen attack. There was no complete security for friendly relations between different countries, except in a state of mutual defence. If two great countries were near each other, and one was powerful and armed, and the other rich and undefended, it was quite manifest that, with the best disposition on the part of those who might govern those countries, their permanent relations were placed in great danger. He knew that with respect to France it might be said there was a personal feeling of mntual regard existing between the Royal families of the two countries: that there was also a spirit of friendship subsisting between the persons who composed the Ministries of the two countries, which ought to remove from every man's mind

any apprehension that the happy state of peace which now subsisted might, at any time, without some extraordinary event, be interrupted. He by no means undervalued this circumstance. He thought it was a most fortunate circumstance, when these Royal and Imperial persons who sat upon the thrones of great countries were enabled, by the interchange of mutual visits, to add the ties of personal friendship and esteem to those political interests which might cement the union and alliance between their respective countries. He thought that these matters were of the greatest importance, and it was with infinite pleasure that every man must have seen of late the frequent recurrence of such personal communications. But those ties were not permanently to be depended upon. The right hon. Baronet himself had only a short time ago stated that little clouds might suddenly arise in a very clear and unclouded sky, and events totally unforeseen and beyond the power of human wisdom, perhaps, to prevent, might suddenly occur to bring two nations, mutually inclined to friendly intercourse, into a position in which honour on one side, and interest on the other, might render it hardly possible to avoid a rupture or a war. And if we arrived at that situation the one country being armed up to the teeth, being prepared with all the means of aggression—means not calculated with any hostile intention perhaps, but simply with a general view to systematic policy—if a case of that sort were to occur, and the one country was fully prepared for aggression, and the other wholly unprepared for events, the result must be either some very dreadful disaster or some deep humiliation to be sustained by the country so undefended. Then as to the question of expense, which the right hon. Baronet, with a sort of debating dexterity, endeavoured to turn into a weapon against his hon. and gallant Friend, he (Lord Palmerston) said, as was said by Mr. Pitt, in that discussion to which his hon. and gallant Friend alluded, that a very large expenditure laid out in defending those points which were especially vulnerable, and which contained the most important interests, was most economically expended, and saved us in the end infinitely larger sums than might be so laid out. He said, therefore, with regard to the assertion that these discussions were calculated to interrupt friendly relations, or tended to convey any information to the enemy that might be—look at the discussions in the French Chambers when they had been discussing the fortifications of Paris, and the arming of those fortifications. Had they been restrained from impressing on their Government the measures which they thought to be essential, and, as he thought, they very wisely deemed to be essential, to their national interests? Were they ever deterred from pressing on their Government the expediency of fortifying the capital and arming the capital, by any apprehension that they were conveying information to Austria, Prussia, or Russia, which might be instrumental in bringing upon their country the infliction of great evil in the event of war? Then, the question was—was there anything going on on the other side of the Channel which tended to place the two countries in a position of inequality? He perfectly agreed with his hon. and gallant Friend that—especially what had been doing in regard to the ports in the Channel, and the budget which they had seen within the last few days, which he presumed was to be the permanent peace establishment of France—recent changes in France did place the offensive and defensive means of that country on a footing so entirely disproportioned to those of this country, that he did not think the continuance of that disproportion was consistent with the permanent security of peaceful relations between the two countries. With regard to their military means, there was an army voted of 340,000 men, with horse in proportion. He presumed that to be the permanent peace establishment of France, whilst our whole army was 100,000 men for our home defence and the defence of our colonial possessions, excepting the territories of the East India Company. Of this force of 100,000 men, we had in round numbers about 50,000 men stationed at home, to set against this force of 340,000 men, of which 60,000 served in Africa, leaving 280,000 for France alone. Then he might be told that it never had been, and he maintained that it never ought to be the policy of this country to rival the military countries of the Continent, by greatly extending our army. He hoped we should never be reduced to that necessity. But why was it that we had not been so reduced? If we had been connected with the Continent by land, we should have been obliged to follow the example of the other Powers of Europe, who had been compelled at different periods, from the time of Louis XIV. downwards, to increase their military force, in

order to place themselves upon an equal footing with France. And if at this moment we were not separated from France by the sea, he would put it to any man of common understanding whether he would think the security of this country adequately provided for by a force of 50,000 men? We should, undoubtedly, follow the example of Austria and Prussia, and have a large military organization, such as would enable us at no long interval of time to bring into the field a force capable of protecting us against any inroad from an enemy. But had nothing happened of late to alter the value of our insular position? Why, the extended application of steam navigation, and the multiplication of railways, did practically bring the opposite shores of the Continent almost within contact with this country. He remembered when he had the honour of being at the Foreign Office, that the Prince de Talleyrand, talking to him of some animating debates which had taken place in the French Chambers upon foreign affairs, and contrasting them with the comparative indifference exhibited by that House on the subject said, "You have a much easier task to perform in your House than our Minister for Foreign Affairs has in his, and I will tell you the reason." And what did he say? "You have no frontiers—that is to say, your naval defences are so secure from foreign attack, that you do not feel that interest in foreign affairs which they deserve." But he (Lord Palmerston) said that the extension of steam navigation, and the facility which railways on the Continent would give to the rapid concentration of troops, did, to a certain degree, give us those frontiers, the absence of which Prince Talleyrand thought was the ground of our indifference to foreign affairs, and did call upon Parliament to pay greater attention to those means which might serve to protect that frontier. The gallant Officer opposite said, "You need not be under any apprehension, because no danger can arise to this country from any foreign invasion, until the power that makes it shall obtain supremacy at sea." Really, he thought that must be a speech prepared before the hon. and gallant Officer came down to the House, because, after what had been stated by his hon. and gallant Friend of the numerous instances in which large fleets had escaped, equally large fleets of ours performed long voyages and returned without the possibility of interruption, it was perfectly manifest that with the present means of transporting troops by sea, it was not necessary to have that supremacy. Why, Lord Howe, when some one asked him why he had not intercepted the French fleets said, "Perhaps you may not be aware of it, but the sea is a very wide place;" and it was manifest that if our fleet were drawn out to foreign service, or in pursuit of the fleet of a Power with which we were at war, a large body of troops might be landed by means of steam vessels, without our fleet falling in with them. But the case on which his hon. and gallant Friend more particularly dwelt, and wished to press on the attention of the House was, not the case of operations carried on during the progress of war, or at any time after war had been declared, because, no doubt, if we had increased our army and drawn out our militia, and had equipped that amount of fleet which of course we should do after a certain time, he quite admitted that we might trust to other means of defence, those points which his hon. and gallant Friend thought to be in danger. But when the right hon. Baronet talked of his hon. and gallant Friend giving information to the enemy as to the mode in which certain ports might be attacked, he should wish the right hon. Baronet just to make some inquiry as to the opinion which was expressed, not by his hon. and gallant Friend, but by the French Admiral who brought the King of the French to Portsmouth last year. He should wish the right hon. Baronet to state what was the opinion of that officer with regard to the practicability of forcing his way into Portmouth harbour after he had lain there only a few days, and what was the astonishment he expressed when he found that we had placed the defence of that harbour in no better position, at the time, too, when we were involved in the affair of Tahiti. He was informed that that had been impressed on the attention of Government—that they were told that no guns were mounted—and that if a dash were made with a number of steamers, there was nothing to prevent an enemy's entrance to Portsmouth harbour. He was informed the answer was "Oh, we don't like to put ourselves in a position of defence, because that might complicate the negociations." But he contended, that that was a great weakness on the part of Government, and that if they were negotiating with a foreign country on a matter which might threaten war, it was so far from embarrassing the negotiation, that it would strengthen it, to place ourselves in a position to repel

any sudden and unforeseen attack. Then when they considered the strength and capacity of all the French harbours on the opposite side of the Channel, Brest, Cherbourg, St. Malo, Calais that was to be, and Dunkirk that was to be, he thought it the duty of Government, considering the facility which steam vessels now afforded for the sudden transport of large bodies of troops to any given point, not only to go on as they were doing, and increase the steam force of the country, but to place those vulnerable points, namely, the dockyards, in a state of security against a sudden attack. He did not pretend to say that they were to be fortified, like Magdeburg, to stand a long siege, because that was not the danger to which they were exposed. All that was wanted was, that there should be the means of repelling any sudden attack arising either immediately on a sudden declaration of war, or perhaps, as was the case with the expedition sent to Ireland on the failure of Lord Malmesbury's negotiations, even before any official manifestation had been made that hostilities would take place; and that was the answer to the little attempt of the right hon. Gentleman to cast ridicule upon the speech of his hon. and gallant Friend, that it would be difficult to frame an estimate that would satisfy his hon. and gallant Friend's expectations. No man in his senses would pretend to fortify every point of the coast, or imagine that by so doing he could prevent, even in time of war, the landing of an enemy. But there were some points—take our dockyards—where, in the course of a very few hours, injury might be done, which, in money, reputation, national feeling, and means of future defence, would be absolutely irreparable. It might be said that the force which was sent to do that injury might never return, and that every man would perish; but he gave credit to the courage, bravery, and national spirit of other countries; and even if it were known that every Frenchman who was engaged in burning Portsmouth and Plymouth, would perish, he believed that the French Government would not be at a loss in obtaining volunteers for the service. It was thought nonsense to say that the thing was impossible. He then came to the question of the necessity of having harbours on the coast, not merely to protect our commerce from the boisterous warfare of the elements, but also to protect it in war from the cruisers of the enemy, and to form points of assembling for those steamers which are to protect the coast. The hon. Baronet said, truly, that this matter required great and grave consideration; and he mentioned the harbour of Dover, and said, he was unwilling to embark in a very large expenditure without being sure that the place to be chosen was good in a military, naval, and commercial point of view. There was a doubt expressed in the Report of the Commissioners whether Dover was a position which would permanently repay the required expenditure; and Dover was the place for which the largest estimate was allowed, and therefore it was necessary that the Government, before incurring that expenditure, should have an opportunity of fully considering the question. But on the other point, the Estimates of which were small in amount, no difference of opinion prevailed among the Commissioners; and he had not heard of any difference of opinion on the part of any of the Commissioners with regard to those proposed harbours. Then, he asked, why should not the Government begin as soon as possible to undertake some of those works, with regard to the advantage of which no doubt was entertained, and the amount of which was not such as to exceed the financial power of the country; for it must be remembered that works of this sort were not built in a day; that they could not get on with sea-work faster than at a certain rate, and that, therefore, the yearly expenditure would be comparatively small? Then, had we the means? He was sure that we had. Suppose the Government had determined to lay out 300,000*l.* a year for five or six years to come upon those harbours? If they had only devoted the sum remitted by the repeal of the auction duties for instance. When the right hon. Baronet proposed the repeal of those duties, he rather played with the House. He said, "Now, I come to a tax which I am going to repeal, and of which no human being has ever thought; for the repeal of which nobody ever asked;" and after leaving the House to guess what it might be, he at length told them that it was the auction duties. It struck him at the time that the right hon. Baronet was passing rather a severe censure and sarcasm on his own measure; because when important national objects like those under discussion at the present moment demanded an expenditure of public money, that the Government should set about to search for a tax for the repeal of which nobody asked, and of the continuance of which no one complained, appeared to him to argue a neglect on their part of the duty which

they owed to their country. If, therefore, they had only taken the amount wasted in the repeal of the auction duties, and had applied it to the construction of harbours of refuge, they would have conferred a far greater pecuniary advantage on the country. He hoped, after what had fallen from the right hon. Baronet, that before the close of the present Session a proposal on that point would be submitted to the House; for it would be unfortunate, indeed, if a delay of another year were suffered to intervene on a matter which required time for its accomplishment. Work as hard as they might, several years must elapse before they could, by possibility, finish such works in a manner to make them efficient for their object. He entreated the Government not to allow this matter to drop; and in paying attention to our arsenals, he hoped the harbours of refuge would not be neglected. The fortifications of Paris, a work of immense magnitude, which cost fourteen millions sterling and upwards, were accomplished in the course of three or four years. France never grudged any amount of money which might be necessary for her national independence and her national safety. In his opinion this did France the highest honour. And yet the French were comparatively not so wealthy a people as ourselves: they had not the same means perhaps of furnishing taxes; but they never grudged their money, when the national honour and independence were concerned for the increase of their navy, the fortification of their capital, or the defence of their frontiers. In such a case France was ever ready to grant any sum required—feeling assured that money so laid out would repay itself with interest by saving their country the infinitely larger expense which must be incurred in the case of imminent danger, by preventing that danger from happening. He did not make these observations in a tone of censure upon the Government. If any blame had been incurred because our dockyards were not in a state of perfect defence, it belonged to the former Government as well as to the present, with this difference only, that the great developments which steam navigation had received in the course of the last three or four years rendered protection still more necessary than at any former period. It was not, therefore, for the purpose of imputing blame to the Government that he had made these observations, but in order to draw their attention to matters of such high importance; and, he would add, of daily increasing importance, looking at the great state of military and naval preparation going forward in another country; and also of greater importance after the experience which they had had of late years, that the best intentions on the part of two Governments might be frustrated by rash and impetuous men in distant parts of the globe. He trusted the Government would take in good part the observations which he had made; and if, as he entertained no doubt, they were disposed to bring forward plans of this sort, it might afford them some facility to know that Members on that (the Opposition) side of the House were disposed to sanction cordially any expenditure of the public money which might be necessary for the interest and safety of the Empire.

Captain *Harris* thought the hon. and gallant Member (Sir C. Napier) had made out a case, however imprudent it might be to lay bare our weak points. A due proportion ought to be kept up between our Navy and defences, and the available power of France. He rejoiced that the question of harbours of refuge was to be taken up by the Government, and expense ought not to stand in the way.

Mr. *C. Wood* impressed on the Government the necessity of losing no time as to this question. He hoped the Session would not be suffered to expire without a vote being taken for commencing these works at Dover, or at one of the places named.

Colonel *T. Wood* felt bound to say, that the amount of troops we had to defend the country in case of war was not adequate. When it was considered what enormous military power was given to France by the fortifications at Paris, and that that country could, at a short notice, have 80,000 men at Boulogne, it behoved the Government to see that our constitutional force of the militia was not suffered to relapse into complete desuetude.

Question again put that the Order of the Day be read.

PROTESTANT DISSENTING MINISTERS] Mr. *Hindley* moved for a return of the names of the persons receiving the allowance granted to Protestant Dissenting Ministers in England, with the names of the trustees administering the same. When he had presented, on the late Maynooth discussion, so many petitions from

the Dissenters, disclaiming a State allowance, he felt it would be inconsistent not to discard a grant of this kind. He called on the Government to withdraw it, or to give the names of those who received it. The Dissenters felt it a reflection that they should be supposed to receive Government support in this way, just, as he dared say, the Government would be disposed to disavow the truth of a rumour which he heard generally circulated, that a Member of the Cabinet, though drawing a large income from the State paid no Income Tax. [*Cries of* "Name, name," *from the Ministerial bench.*] He was glad this was felt as a home thrust; and he should say at once the individual he referred to was the Lord Chancellor. He hoped, as the Government felt this imputation so strongly, that they would not refuse his Return.

Mr. *Cardwell* opposed the Motion. The hon. Member had made a similar Motion before, and the House had refused, except in a modified form. In that form he had no objection to grant it them. The facts of the case were these:—A small grant of 1,700*l.* a year had been given to the Dissenting body since the time of George I., and it was distributed in sums of 5*l.* and upwards among the ministers, under the sanction of trustees, of whom three were Presbyterian, three Independent, and three Baptist. The treasurer, Dr. Reed, had written to him in reference to the Motion of the hon. Member then before the House, and stated that there were grave objections to communicating the names of the recipients of that bounty, because they were mostly men of academical education, who had their small stipends eked out with that allowance: and who were struggling to keep up a position in society which they could not do, if such communication was made public. He had, however, no objection to a Return similar to one obtained by the hon. Member for Montrose in relation to the Episcopal Clergy of Scotland: and it would, without disclosing the names of the parties receiving the money, give all the substantial information required.

Mr. *Williams* considered that the House had a right to know the names of those persons who received the public money; and he was of opinion that those who had an objection to the publication of their names should not accept it. He suggested a classification of the sums paid, and the numbers of those who belonged to the several classes. According to his view of the case, no sect which professed to maintain its own clergy should receive anything from the public.

Dr. *Bowring* said, he hoped the Government would give them some information on the subject.

The *Chancellor of the Exchequer* said, he should object to giving returns of this kind, referring to a class of persons in a respectable station of society, and yet having small means.

Lord *Worsley* said, that the public ought to be satisfied that responsible trustees were appointed, and that those trustees were proper parties; and no Motion made to the effect of appointing others, unless every guarantee that the money was properly bestowed, was given to the public.

Mr. *S. Crawford* said, he should protest on public grounds to any persons receiving public money whose names were concealed; and more especially that those who were in favour of the voluntary principle should receive State pay.

Sir *W. Somerville* said, that the present discussion would not have arisen were it not for the late debate on the grant to Maynooth. The hon. Gentleman (Mr. Hindley) now wanted to make amends for his former supineness on the voluntary principle. Those persons were not the only Dissenters who received State pay. He recollected that in 1836 his hon. Friend the Member for Rochdale had supported the Vote for the Presbyterians, and so did the hon. Member for Finsbury, who was not now in his place.

Mr. *S. Crawford* said, he had no recollection of the statement made by his hon. Friend. In 1837, he distinctly recollected that he voted against the grant.

The House divided on the Question, that the words proposed to be left out, stand part of the Question;—Ayes 54; Noes 3: Majority 51.

Order of the Day read. On the Question that the Speaker do now leave the Chair—

THE LIFE GUARDS.] Mr. *Craven Berkeley* proceeded, in accordance with his Motion, to call the attention of the House to the changes proposed to be made in the clothing and remount fund of the two regiments of Life Guards, by a warrant dated March 14, 1845, signed by the Secretary at War, which, he contended,

was a great injustice to the soldiers, and, in fact, a breach of agreement. The debt of the Royal Horse Guards was of considerable amount; and the officers were compelled to pay for the band, over which they had no control. The proposed change was a mere petty, paltry, and dirty economy against one of the finest regiments in the world. The Report of the Board of General Officers was decidedly opposed to any such reduction in either of the regiments of Life Guards, as it could not be made without impairing their efficiency. The hon. and gallant Member said, that there was no mode of obstruction which the House afforded, which he would not avail himself of to prevent the passing of any army votes, so long as this warrant should remain in force.

Mr. *Sidney Herbert* said, that the Board of General Officers went into a full inquiry into the case of the Horse Guards, and they made a very voluminous report. It certainly did appear that there was a considerable sum in arrear owing from the Horse Guards. With respect to the alterations mentioned by the hon. and gallant Officer, in regard to the clothing of the regiment, that was a subject which he would not go into, because a great difference of opinion existed upon it. He was perfectly satisfied that the arrangement made was one quite compatible with the comfort and efficiency of the troops. He sincerely believed that no unnecessary expense would be incurred for these troops; and that the public property was expended with a due regard both to the efficiency of the troops and to public economy. The Horse Guards had incurred considerable expense with a view to put themselves upon a footing with the Life Guards. He was quite willing to believe that the hon. and gallant Officer was actuated by public motives in bringing forward this question; but he was contented to rest his judgment on the opinion of those military officers who had paid proper attention to the subject. The change had been made under the highest military authorities; and he hoped, therefore, that the hon. and gallant Officer would not carry into execution his threat.

Sir *C. Napier;* I wish to correct a statement of the gallant Officer the Clerk of the Ordnance. He must have misunderstood me; for I am sure he did not intend to misrepresent me. He stated that I ridiculed the fortification of Portsmouth, and that I said there were only sixteen guns to defend the harbour. I stated that the sea defences were not good; that only thirteen guns enfiladed the harbour, and those of the ramparts were all exposed, and could not prevent a fleet running into the harbour. As to what the right hon. Baronet stated, I was so well defended by the noble Lord, that it was unnecessary for me to repel the attempt, the unworthy attempt of the right hon. Baronet to throw odium upon me for stating our want of defence; and I should tell him, if next year Pembroke, Falmouth, Sheerness, and the Channel Islands, were in the same state, I should bring it before Parliament.

House went into a Committee of Supply, and 390,000*l.* were voted for the Ordnance Department.

House resumed, and adjourned at a quarter past one.

HOUSE OF LORDS.

Monday, June 16, 1845.

MINUTES.] BILLS. *Public.*—1ª. Bishops' Patronage (Ireland).

2ª. Schoolmasters (Scotland).

3ª. and passed:—Maynooth College (Ireland).

Private.—1ª. Dundee Waterworks; Harwell and Streatly Road; Leeds and Thirsk Railway; Newcastle and Darlington (Brandling Junction) Railway; Monkland and Kirkintilloch Railway; Taw Vale Railway and Dock; Blackburn and Preston Railway; Waterford and Kilkenny Railway; Reversionary Interest Society; Agricultural and Commercial Bank of Ireland; Kendal Reservoirs; Sheffield and Rotherham Railway; Severn's Estate; Lord Barrington's Estate.

2ª. Manchester Court of Record: Manchester Improvement; Newcastle-upon-Tyne Coal Turn; Southampton and Dorchester Railway.

Reported.—Dunstable and Birmingham and London Railway; Brighton, Lewes, and Hastings Railway (Keymer Branch); Belfast and Ballymena Railway; Yoker Road; Leicester Freemen's Allotments; Lady Sandy's (Turner's) Estate; York and Scarborough Railway Deviation.

3ª. and passed:—Blackburn, Burnley, Accrington and Colne Extension Railway; Leeds, Dewsbury and Manchester Railway; Glasgow Markets; Stokinchurch Road; Rochdale Vicarage (Molesworth's) Estate; Huddersfield and Sheffield Junction Railway; Chester and Holyhead Railway; Leeds and Bradford Railway Extension (Shipley to Colne); Watermen's Company Endowment.

PETITIONS PRESENTED. By the Bishops of Winchester, and Llandaff, Earls of Winchilsea and Roden, and by the Marquess of Breadalbane, from Stewartstown, and a great number of other places, against Increase of Grant to Maynooth College.—From Saint Ives, in favour of Increase of Grant to Maynooth College.—From Bishop and Clergy of Clogher, and from Castledermot, for Inquiry into Course of Instruction adopted at Maynooth College.—From King's Lynn, against Law of Debtor and Creditor.—From Guardians of Trim Union, against Poor Law (Ireland) Act, respecting the Repayment of Money advanced for Building Workhouses.—From Trustees of Turnpike Roads of County of Selkirk, for the Insertion of Clause in the Turnpike Roads (Scotland) Amendment Act.—By the Duke of Buccleuch, from Ministers and Elders of the Church of Scotland, met in General Assembly, for Improving the Condition of School-

masters (Scotland).—From Galashiels, for the Insertion of Clause in the Hawick Railway Bill, to prevent the Running of Trains on the Sabbath.—From Manhood, against the Running of Railway Trains on the Sabbath.

THE QUEEN'S MESSAGE—SERVICES OF SIR H. POTTINGER.] Order of the Day for taking into consideration Her Majesty's Message, read.

The Message having been read by the Clerk at the Table,

The Earl of *Aberdeen:* I rise to move an humble Address to Her Majesty, in answer to Her most gracious Message which your Lordships have just heard; and in doing so, it will be necessary for me to detain you but a very few minutes. I have already had opportunities in this House of bearing testimony to the great merits of the distinguished person who, on the present occasion, is the object of Her Majesty's gracious consideration; and I have not been sparing in those expressions of admiration and praise of that conduct which appeared to Her Majesty's Government to be so justly due. My Lords, those sentiments have found an echo throughout the whole country. In every part of the kingdom, in England, in Scotland, in Ireland, the presence of Sir Henry Pottinger has been welcomed with enthusiasm, and every effort made to do him honour. My Lords, it is clear that the vast majority of those places which have so united, and expressed such opinions, could have had very little means of duly estimating the real merits of Sir Henry Pottinger. They looked to the boundless field which he had opened to British enterprise, and to that inexhaustible source of commercial wealth and prosperity which by his means had been rendered accessible to our fellow countrymen. But, my Lords, I feel it my duty to say, that the real merits of Sir Henry Pottinger would have deserved your Lordships' approbation, and the approbation of his Sovereign as much, if they had not been attended with such magnificent results. For, throughout his whole conduct, in the relation in which it was my good fortune to stand towards him, there never wanted fresh occasion to do justice to the great qualities of his mind, and the conduct he pursued towards China. Sir Henry Pottinger, in being selected for the service in China, was removed from service in a school to which, I may be permitted to say, I think the State has on more than one occasion been greatly indebted. I know not how it is, whether from long habit of self-reliance, or the necessity of taking part at an early period of life, in the conduct of great affairs, but the fact is, that the service of the East India Company has produced men who, by the energy of their character, and the statesmanlike views which they have entertained, are peculiarly qualified to contend successfully with the greatest difficulties, and to confer the most signal advantages on their country. My Lords, when Sir Henry Pottinger went to China, he found everything he had to undertake strange and new—the business on which he was employed, and the people with whom he had to deal. The success, therefore, which has attended his labours, has occasioned much and very natural surprise. It is not astonishing that, with the assistance and by the gallantry of the naval and military forces employed in that war, he should have been enabled in no long time to dictate peace at Nankin; but, I say it is wonderful that he should have found the means of, by his character and conduct, so conciliating the persons with whom he had to deal, as to annihilate the pain of defeat, and convert suspicion and hatred into confidence and friendship. My Lords, looking to the difficulties with which he had to contend, he performed the service in a manner which cannot but be considered most remarkable. In the commercial details with which he had to occupy himself, as well as in the regulation of the administrative Government, he showed the same judgment, the same energy, attended with the same success; and I cannot help saying, that although it was the object of Her Majesty's Government to endeavour, as much as possible, to relieve him from all responsibility by furnishing him with every instruction calculated to meet every difficulty that could arise, your Lordships must be perfectly aware that in the situation in which he was placed, that was quite impossible for us to do, and that much was necessarily left to his own discretion. Now, my Lords, I believe I may say, that in the whole course of his service I do not recollect any act, certainly none of any importance, acting as he did on his own discretion, which did not fully meet with the approbation of Her Majesty's Government. My Lords, I am not about to enter into any details, but it may be, perhaps, satisfactory to your Lordships to know the result of that great opening which has been made for British commerce. I may be permitted to state, that the value of British goods imported into

Canton alone, in the year 1844, amounted to 3,451,000*l.*; the value of Chinese goods exported for the British markets from the same port during the same period, amounted to 3,383,000*l.* This is a much larger sum than the annual British and foreign trade with the whole of China previously amounted to. Be it recollected, too, that this Return is confined to Canton; I say nothing about the northern ports of Shanghai and Amoy. I have every reason to believe that the trade in both those ports is rapidly increasing, and that there is every prospect of that increase being continued for a long time. Our intelligent Consul in that part of the world, Mr. Macgregor, gives the most favourable view of our commercial prospects. He says, that there is no appearance of any glut; that all persons engaged in Chinese commerce had fulfilled their engagements; that no bankruptcies of any note had been declared; and to this I myself may add, that I hope it will be in my power to lay such Papers before the House as will show, that the interest and the importance of these events are greater than any estimate yet made has affixed to them. Besides these observations, which I have thought it necessary to address to your Lordships, I have much pleasure in being able to state, that ever since the conclusion of our Treaty with the Chinese Government, the best understanding and the utmost cordiality have prevailed. Amongst other causes, I impute this to the practice of good faith; and I trust that nothing may happen to change the relations, or to disturb the friendly feeling which now happily subsists between the authorities and the subjects of both countries; and I earnestly hope that the people of England will recollect that advantages so important as those which we have obtained in China are not to be preserved otherwise than by a scrupulous regard to justice; and I also hope it will be remembered that no temporary benefit could compensate for the evil of placing in jeopardy the great commercial advantages which we have gained. If we are to preserve this great good, and to extend it, we must carry on our intercourse with the Chinese people in a manner calculated to inspire and to preserve their confidence. It is only necessary for me now to repeat, that this extension of our commerce, and the other advantages which we have acquired in China, are, in a great degree, to be imputed to the negotiations carried on by the subject of this Vote; and the preservation of those advantages, is in my opinion only to be effected by a strict adherence to the prudent, liberal, conciliatory, and enlightened policy of Sir Henry Pottinger. My Lords, I will not detain your Lordships longer on this subject, but conclude by moving, that an humble Address be presented to Her Majesty, returning the Thanks of this House for Her Majesty's most gracious Message, and to assure Her Majesty that this House will cheerfully concur in securing a Pension to Sir Henry Pottinger of 1,500*l.* a year for the term of his natural life.

The Marquess of *Lansdowne:* The noble Earl has truly stated, that there have been other opportunities afforded in this House at other times for evincing the disposition which prevailed throughout this House, as it did throughout the country, to acknowledge in the services of Sir Henry Pottinger some of the most eminent that have ever been rendered to this country. But I feel, that although that has been the case heretofore, it is impossible to allow this Answer to Her Majesty's Message to be put to the vote without endeavouring to express, on behalf both of myself and others, the sense of gratitude and approbation with which this House must view the intention of Her Majesty to confer a signal mark of distinction upon Sir Henry Pottinger, in testimony of Her approval of his services. Those services were alluded to by the noble Earl in a manner so distinct and emphatic, coming from a person having immediate acquaintance with the details of his services, that I feel it is impossible for me to add anything to what he has said in recommending to your Lordships the measure that is proposed, in acknowledgment of the services of Sir Henry Pottinger. The noble Earl has truly stated that those services have been of a peculiar nature, uniting circumstances which have never been conjoined before in the services of any man, I may venture to say, entrusted with important functions by his Sovereign. Sir Henry Pottinger went out to China instructed by one Government, and he performed the duties entrusted to him by that Government with its entire approbation; he received instructions of another Government, which succeeded in office the Administration by which he had been originally commissioned; and we hear from the highest authority, that those instructions also he executed in a manner to command their entire and warm approbation. It was most truly observed by the

noble Earl, and it is that peculiar feature in the case to which I think your Lordships' attention ought to be directed, that having been enabled to give the greatest effect to a combined system of military operations, one of the largest which the world has ever seen, there was something in his proceeding and character which enabled him to convert feelings of what might have been expected to be mortification into a different spirit, and to engraft the happiest results of peace on the most triumphant operations of war. With respect to the immediate amount of the reward which had been proposed, I do not wish to urge anything on Her Majesty's Government, in any hostile spirit, beyond that which they have proposed. At the same time I must be permitted to say, that although I feel the inconvenience of urging anything on Government, beyond that which they may conceive to be the just measure of reward, yet, if they had gone further, and extended the provision to the amount of the largest which is made for Ambassadors retiring from public service, I do not believe that a single dissenting voice would have been heard in either House of Parliament. What negotiation—what Treaty has resembled this? What, in the result of the scheme itself, or of succeeding events, has been equal to it in extending the commerce of the country, and placing it on a footing which is immense in its immediate results, and still more in the magnitude of the results which at a future day may be expected? In what I have said, I do not impute to Her Majesty's Government any backwardness, after the emphatic terms they had put into Her Majesty's mouth, acknowledging the services of Sir Henry Pottinger; but I do presume that it was from some particular consideration not stated that their recommendation has stopped short where it does, from what motive I will not inquire. I am certain that on every ground such a course would have been most desirable.

The Earl of *Ellenborough:* Nothing ought to be more gratifying to Sir H. Pottinger than the encomium pronounced upon him by my noble Friend at the head of the Foreign Office, because my noble Friend knows better than any man — I may almost say he alone fully knows— the nature of the services rendered by Sir H. Pottinger. On that subject I shall not add a word to the eulogium of my noble Friend. I most fully concur in the vote ow proposed to your Lordships. But cannot, in common justice to my gallant Friends, Sir Hugh Gough, and Sir W. Parker, and the officers and men of the Army and Navy, who with unparalleled zeal, energy, and valour, carried into execution the instructions they received, and thus enabled Sir H. Pottinger to give effect to the instructions he received for the negotiation of the Treaty of peace—I cannot, I say, allow to pass altogether without notice services such as those rendered by the Army and Navy—services to which I trace the great results dwelt upon by my noble Friend, because I know that, without their assistance, such results could not have been attained. What has been done with the Chinese has not been done by reasoning: the people of that country have not been reasoned into a peace, but beaten into it. The result obtained is due much more to our arms, than to our diplomacy. I should have scarcely taken this opportunity of calling your Lordships' attention to another circumstance, if the noble Marquess opposite had not appeared to have fallen into a strange misconception on a point respecting which I should have thought he must have been better informed. He seemed to think, that to Sir H. Pottinger was to be imputed not only the success of our negotiations, but that of our arms. The naval and military operations were not under the direction of Sir Henry Pottinger; nay, more, I have every reason to believe that Sir Henry Pottinger entirely disapproved of the operations which led to ultimate success: that he expressed his opinion of the hopelessness of success by means of our naval and military operations in the Yang-tse-Kiang, and imagined that they could not be effective anywhere, for the reduction of the Chinese to our terms except in the immediate vicinity of Pekin. I agree with my noble Friend in giving every just and proper tribute of applause where it is due for civil services; but I do not think it fair that a like recompense should not be given to those services of the Army and Navy, by which alone Sir Henry Pottinger was enabled to give effect to the instructions he received. Your Lordships, I have no doubt, will ratify the vote of the House of Commons as to Sir Henry Pottinger. Sir H. Gough has already received a high appointment, one of the greatest dignity, authority, and emolument, which the Government can confer. That is his just reward. But permit me to ask, how have Sir W. Parker's ser-

vices been considered? Had he commanded a small squadron of ships and met and defeated another squadron at sea, no doubt he would have been rewarded in a similar way to Sir H. Pottinger. But Sir W. Parker's services were far beyond such as could be performed in a single action. They were extended over three or four months, in a river full of shoals, which was partly unknown. Surrounded by enemies, he had to conduct through an intricate navigation seventy vessels; and he not only conducted them through that navigation, but he did so with unvaried success. I know nothing in our naval records superior to Sir W. Parker's conduct of this fleet. Knowing, as he did, the principles—the just principles on which that war was to be conducted—that it was a war against the Government, and not against the people of the country; he did not derive from the war those pecuniary advantages which might be supposed to belong to his position. I think I am justified, therefore, in bringing under the attention of the House his services, as commanding their consideration. I have thought it my duty to say so much, as well from a regard to the great interests of the country, as to the reputation of the brave and honourable men to whom I have referred, and with whom I have had the honour of acting in the public service.

The Earl of *Haddington:* If my noble Friend had been in the country—as he was not—when an account of the great services to which he referred reached us, he would have known that there was conveyed to the two gallant officers whom he has named the Thanks of both Houses of Parliament. In the course of the discussion which took place on that occasion, noble Lords in this place, and hon. Gentlemen in another, dwelt at large, but not more than was well deserved, in praise of both these gallant officers. I am certain, that neither Sir W. Parker, nor the British Navy, can ever forget the speech of my noble Friend the noble Duke near me (Wellington) on that occasion. He did not confine his remarks to the commander of the military forces; but, in a way that was almost impossible in any respect to approach, he gave their fair share of approbation to Her Majesty's ships, and to the gallant and distinguished leader who conducted them. Further, Sir W. Parker has received the Grand Cross of the Bath, and he was made on his return home a Baronet; and he did not remain at home long enough, I admit, for his own comfort, before he was appointed to the most important command which it is in the power of the Government to give. He is about to proceed, as my noble Friend probably recollects, to the command of the Mediterranean fleet. I am not going to enter into a comparison of the civil and military services. It is undoubtedly true, that the way was made for Sir Henry Pottinger's negotiations by the exertions of Her Majesty's brave forces by sea and land. I am not going to enter on that subject. My object was to state, as an answer to my noble Friend's complaint, that both Houses of Parliament and the Crown have paid a tribute of gratitude and applause to the two gallant individuals to whom my noble Friend has alluded.

The Earl of *Ellenborough:* I know the Crown has bestowed on them all that the Crown can bestow. I believe that the Government is desirous to appoint the best officer they could get, and therefore nominated Sir W. Parker to the Mediterranean fleet; but that does not really touch the point at issue—which is pecuniary reward, and not rewards of honour.

The Earl of *Haddington:* I may be allowed, on the part of the Navy, to say, that other individuals besides Sir W. Parker might have been found qualified to take the command of the Mediterranean fleet.

The Earl of *Ellenborough:* With the exception of Sir G. Cockburn, there is no one with whom you can compare him as a commander.

The Marquess of *Lansdowne:* Having long lived on terms of intimacy with Sir W. Parker, and having heard from civilians, military, and naval men, the most unqualified testimony to his services as a great commander, I should be the last person, not only to say anything which might be considered a disparagement of such a man, but to omit any opportunity which could by possibility be taken advantage of, in doing him justice. But, as my noble Friend at the head of the Admiralty has said, the occasion for acknowledging those services has already been seized upon; for the honour of his Sovereign, the tribute of thanks by both Houses, and the command of the most important station on the globe, constitute a full acknowledgment of services, however great they may be.

The Earl of *Ellenborough:* I am sure the noble Marquess does not understand me. I merely stated that he was under an erroneous impression as to Sir Hugh

Gough and Sir William Parker. The noble Marquess stated that they were under the direction of Sir Henry Pottinger, whereas they were not under his direction.

The Marquess of *Lansdowne:* They were instructed to be in constant communication with him.

An humble Address ordered, *Nemine Dissentiente*—

"To be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Majesty's most Gracious Message, informing this House that Her Majesty is desirous of conferring a signal Mark of Her Favour and Approbation upon the Right Honourable Sir Henry Pottinger, Baronet and G.C.B., in consideration of the eminent Services rendered by him; and particularly on account of the Zeal, Ability, and Judgment displayed by him, as Her Majesty's Plenipotentiary, in negotiating a Treaty of Commerce with the Emperor of China; and to assure Her Majesty that this House will cheerfully concur in securing a Pension to Sir Henry Pottinger of 1,500*l.* a Year, for the Term of his natural Life."

Maynooth College (Ireland) Bill.] Order of the Day for the Third Reading read. *Moved*, That the Bill be now read 3ª.

Lord *Campbell* said, he presented himself before their Lordships, for the purpose of shortly stating the grounds on which he intended strongly to support the present measure. There was no doubt that the Bill would be carried by an overwhelming majority; but the practical effects of the Bill would mainly depend on the reasons which were adduced in favour of the measure. He was anxious to state that he did not support the measure from any apprehension of agitation; he was not one who supported the Bill from the fear of agitation at home, or the dread of foreign wars; for he was of opinion, if the measure was declared to be a concession to agitation, that declaration would place Mr. O'Connell on a pinnacle of glory which he never yet attained, and must afford him a greater triumph than the decision of their Lordships' House, by which he was liberated from confinement. Such grounds of justification would excuse, or at least palliate, the most censurable parts of that Gentleman's conduct. Nor did he support this measure because the Government had gained a triumph over agitation—because they were so strong that they could afford to be generous, and therefore bestowed as a boon what they might otherwise have withheld. He was afraid, notwithstanding the laudable intentions of the Government, that their measures brought forward for the purpose of allaying discontent in Ireland, had been hitherto unfortunately unsuccessful; and that his noble Friend (the Marquess of Clanricarde) gave, on Friday, a true description of the state of the public mind in Ireland; and he thought if this Bill was to be merely considered as a boon to be bestowed on those who were weak, it could not produce the salutary consequences it was calculated to confer. He begged leave to state that he could not support this measure as supplying a defect in the former grant to Maynooth. He did not approve it merely on the dilapidated state of the building, or the wretched condition of the students. He thought it an abundant answer to those who refused their assent to the measure on religious grounds, that it was only a continuance of a former grant; but if it were considered merely as an isolated measure, and that nothing more was to be done for the country, he doubted whether the advantages that had been anticipated would result from it. He could not support this Bill as the commencement of the endowment of the Roman Catholic Church of Ireland out of the public Revenue. To endow the Roman Catholic Church out of the public Revenue, and to allow the Protestant Church to remain in its present monstrous dimensions, was a proposal, that come from what quarter it might, he must dissent from; being fully convinced we could never expect peace or contentment until there was a complete equality between Protestants and Roman Catholics, as to civil and religious rights. He supported it, because he considered it a Parliamentary recognition that hereafter Protestants and Catholics were to be dealt with alike. A right rev. Prelate, at the early part of this debate, acknowledged he could suggest no plan by which Ireland could be governed. He (Lord Campbell) ventured with confidence to suggest a plan by which Ireland might not only be governed, but be made peaceable, contented, prosperous, loyal, and patriotic. It was this—to place Protestants and Roman Catholics exactly on an equal footing. So much would give content to the Catholics—with less they ought not to be satisfied. If he were an Irish Roman Catholic, there was no measure to which he would not resort (short of combining with a foreign enemy, or looking with pleasure on the distressed state of the

Empire), for the purpose of obtaining an equality of rights with his Protestant countrymen. Such a measure as combining with a foreign enemy, or looking with pleasure on the jeopardy of the Empire, when any demands might be extorted, was one which he abhorred. He considered such language seditious—he considered it treasonable, and he could not express in sufficiently strong terms his reprobation of it. But a Roman Catholic would be justified by all lawful and constitutional means, to insist on being treated on a footing of perfect equality, in religous as in secular matters, with his Protestant brethren. He did not complain of the existence of the Episcopal Protestant Church in Ireland—he was one of those who placed no trust in the voluntary principle. He thought it the duty of the State to provide religious instruction and the consolations of religion to the several persuasions that prevailed under the Government, at the public expense. In poor and remote districts they could not trust to voluntary exertions for the supply of such wants; and those not provided with religious instruction ran the danger of being left entirely destitute of it. It was, at the same time, very important to the character of the clergy themselves, that they should not be left entirely dependent on their flocks; but that they should, without being driven to resort to unworthy measures for such an object, obtain such a decent subsistence as would give them leisure for the performance of their religious duties. The Protestants should have their religious wants amply supplied; and he would never sanction any measure which had the slightest tendency to deprive them of the rights to which they were entitled. But we knew there were 7,000,000 of Roman Catholics who were required to obey the law—who were called on to contribute to the public Revenue, and who were asked to defend the State by their personal services. Now, ought not a similar provision to be made for the religious instruction of such men, as for that of their Protestant brethren? It had been said, that the Roman Catholic religion had a tendency to promote sedition. If that were the case, God forbid that he should sanction the promulgation of its tenets; but he considered that no just ground had been shown for withholding instruction from his fellow countrymen of that persuasion. He fully agreed in the opinion of the noble Secretary for the Colonies (Lord Stanley), who asked the other night, if any father would not prefer that his son should be educated in the Roman Catholic religion, rather than that he should be without any religious instruction? As there appeared to be no hope of converting their Roman Catholic countrymen to the Protestant faith, was it not advisable to provide them with a well-educated clergy, who would be duly qualified to exercise their sacred functions? The question was not whether there were errors in the Reman Catholic religion. They must always recur to this first question—whether it is not much better that, with all its errors, the Roman Catholic religion should receive the protection of the State, than it should be left entirely dependent upon voluntary support? In the course of the discussions on this Bill extreme opinions of St. Thomas Aquinas, Maldonatus, and other Roman Catholic theologians, had been quoted; but those opinions might be paralleled by passages from Calvin, who recommended the burning of heretics, and from Luther, who strongly advocated polygamy. He must express his indignation at the attempts which had been made to poison the public mind against the Roman Catholic religion, by selecting and bringing together detached passages from old Catholic writers of an indecent or profane character, and then insinuating that such was the staple matter of the creed itself. A great deal had been said about the confessional, but if they were to have a confessional, the confessors must be instructed in their duties. In imposing penances they must know what were venial and what mortal sin. It was surely of great importance to all Roman Catholics that their priests should be a well-educated clergy, endowed by the State. What reason could there be why Roman Catholics and Protestants should not associate harmoniously together in Ireland, as well as in Holland, or France or Prussia? In Hanover there was no distinction between the two religions. But it was said, that in Ireland they had no control over the appointment of Roman Catholic bishops, or over the discipline of the Roman Catholic clergy. Did they doubt that if proper measures were taken they might not have communication and an understanding with the Papal Court, as France or Prussia had? He maintained that intercourse could be kept up between this country and the Court of Rome without the violation of any law. Up to the time of William and Mary, there was nothing in the Statutes against the holding of diplomatic intercourse with the Holy See; and even the laws afterwards passed were only

directed against the reception of bulls in this country without the consent of the Sovereign. The existence of diplomatic correspondence did not imply the necessary existence of "communion" with the See of Rome. It was no more necessary that there should be a correspondence between the religion of an Ambassador at Rome, or the country which sent him, and that of the Holy See, than that it should exist between this and the Turkish Government, because we sent an Ambassador to Constantinople. We had an Ambassador at the Sublime Porte; but did he renounce the faith in which he was brought up, because he was sent upon such a mission? At all events, any legal difficulty, did it exist, might easily be removed by means of a declaratory Bill. Were they, however, to determine upon endowing the Catholic priesthood from the public Revenue, he trusted that the Protestant Church would not be left in its present deformity. Hitherto that Church had been one of the most inefficient and most mischievous institutions to be found in the history of England; he believed it was so considered now, and he believed it would be so considered by posterity, and it was only because their Lordships were familiar with it, that they were not shocked at the picture. There was nothing to parallel the way in which efforts had been made to force Protestantism upon Ireland, unless it was the attempt made at the end of the seventeeth century to impose Episcopacy upon Scotland. In Ireland, of 8,000,000 of inhabitants, no more than 700,000 or 800,000 belonged to the Established Church; and for that small number there was an Establishment which would suffice, if the whole population were Protestant. Could they wonder that under such a state of things the Catholics of Ireland should be discontented? They were told of the horrible state of Ireland—of the crime committed there—of the very distinction between right and wrong being obliterated; that murders were committed there which excited horror here, and sympathy there, and that no means existed of bringing the guilty to justice. But a somewhat similar state of things prevailed in Scotland in the time of Charles II. Never had there been committed in Ireland a murder more terrible in its atrocity than that of Archbishop Sharpe. Yet the murderers of that venerable and aged prelate were protected and screened by popular favour; and for years after, the common saying in the country was, that the killing of the archbishop was no murder. In Scotland, however, the people succeeded in repelling Episcopacy—that form of religion, as a State religion, was abolished; and from that time, in his native country, there had been peace, order, and prosperity. Might they not fairly expect that from similar causes in Ireland similar effects would proceed? Their Lordships would recollect the strongly worded opinion of his noble and learned Friend on the corner of the Woolsack (Lord Brougham)—an opinion not spoken, but deliberately penned, and from which he was sure his noble and learned Friend would not now recede:—

> "So long," said his noble and learned Friend, "so long as the foulest practical abuse which ever existed in any civilized country continued untouched, or touched only with a faltering hand—so long as the Irish Church continued to be lavishly endowed for the sixteenth part of the Irish people, there certainly never would be peace for that ill-fated country."

This measure now before the House he (Lord Campbell) held to be a step in the right direction; but it must not be considered as an isolated measure; it must be followed up by others showing a determined resolution on the part of the Government that Ireland should have equal rights, civil and religious. He trusted that they would soon see measures introduced with this view and in this spirit, of a more important nature, and better conceived than the Landlord and Tenant Bill, laid a few nights back upon their Table, and which he was afraid would not afford much satisfaction. He trusted that they would have a Municipal Corporation Bill and a Registration Bill, which would not disfranchise Ireland, but which would give to it an ample constituency in every place entitled to send Members to Parliament. Were the government of that country carried out in such a spirit, he had no doubt of its successful result. He had been told that there was no good in making concessions—that concession was but the unfailing parent of greater demand. They heard much of the ingratitude of Ireland. He begged to tell them that when they had conceded all that the Irish were justly entitled to demand, and if then they should still prove ungrateful—that then, and not till then, should the complaint of ingratitude be made; and then every class, civil and religious, would rally round the Government. As for Repeal of the Legislative Union, it was madness. He had never concealed his opinions upon the point—he believed that it would prove most disas-

trous to England, and utterly ruinous to Ireland: it was a measure which never would be conceded by reason, and which never could be extorted by force. Before, however, they came to the consideration of extremities, all ought to be freely yielded which could be justly demanded; not until every such concession had taken place, was it right or fitting that a final stand should be made. Had any Government fairly made this experiment, and found it fail? At what period of our history, he would ask, were the Irish treated like fellow subjects? Was it when the plea in cases of murder was an available one, that the victim was a mere Irishman? Was it when the importation of cattle from Ireland was prohibited as a public nuisance? Was it during the long period when the penal laws were enforced? At length came Catholic Emancipation; but down to the present time that great measure had never been followed up by Ireland being governed as a Catholic country, or as a country in which Catholics were to be considered as entitled to the full rights of British subjects. The noble Duke opposite retained office only a short time after the passing of the Emancipation Act. Then came the Ministry of Earl Grey, with the noble Lord opposite (Lord Stanley) as Secretary for Ireland. Of that Cabinet he would speak with the utmost respect, but they were not enabled to do all they would have wished to do; a load of prejudices against Roman Catholics weighing upon and influencing the public mind, prevented that Cabinet from bringing forward such measures as they would, under different circumstances, have wished to introduce. With the greatest respect for the English character, he must say that it laboured under the great infirmity of being possessed with a prejudice, not only against all foreigners, but against those subjects of the British Crown living in a different island from Great Britain itself. But to proceed. Notwithstanding the good dispositions of the Marquess of Anglesey, and of the Marquess of Wellesley, they found it impossible to carry on the Government on the principle of perfect equality of treatment towards both classes of the population. In August, 1834, Lord Wellesley, then Viceroy of Ireland, in a letter to the Secretary of State for the Home Department lamented the injustice done to the Roman Catholics of Ireland, and recommended that a number of Catholic gentlemen (barristers) should be elevated to the Bench, and that others should be made members of the Privy Council, and of putting that class on an equal footing in every respect with the Protestants. That letter demonstrated the improved principles on which Lord Wellesley considered that Ireland should be treated. The Government of which Lord Wellesley was a Member, however, went out of office too soon to permit of these measures being carried into practical effect. Then followed the short Government of the right hon. Gentleman at the head of the present Ministry. Whatever might have been its intentions, its then lease of power was too short for their development. The second Administration of Lord Melbourne followed, and with it commenced an experiment, hazardous perhaps, but which had certainly proved perfectly successful. It was well known that there would be a great outcry, and there did happen a great outcry, when Mr. Sheil was made a Privy Councillor, and Mr. More O'Ferrall appointed to an office in the Treasury, and other Roman Catholics, men of undoubted honour, promoted to various employments in Ireland. But the system under which these promotions were made, although it excited great indignation in England, was most satisfactory to Ireland; and under the Administration of his noble Friend, that country was, for five years, governed as it ought to be ruled. He could tell their Lordships that it was only by imitating the principle on which that Government had been conducted, that they could ever hope for peace and contentment in Ireland. Let them remember how, during that Administration, the Repeal cry had died away. He would mention a circumstance strikingly in proof of this. In September, 1841, there was a contested election for the city of Dublin. Two candidates appeared on what was called the Liberal interest; Mr. O'Connell, the leader of the Repeal movement, and Mr. Hutton, its determined enemy, and who proclaimed from the hustings his determination to oppose the measure. The contest was severe, but at the termination of the ten days' poll, Mr. Hutton was within two or three votes of his opponent. Now, would the noble Lord opposite (Lord Stanley) just consider how any person standing at present for the city of Dublin as a candidate would fare, did he avow opposition to the Repeal movement? [Lord *Stanley:* But are not the present Members Conservatives?] The fact stated by the noble Lord did not in-

validate his argument, for he spoke of that section of the constituency formerly known as the Liberal electors, and with respect to them he did believe that were any one not a Repealer, to offer himself to their suffrages, he would not, at the end of the ten days' poll, find ten votes recorded in his favour. The Repeal cry could be only checked by a complete change in the policy lately pursued by Government towards Ireland. He believed, indeed, that that Ministry, although its Chief proclaimed that his chief difficulty was Ireland, would have had a much easier task than they found the rule of that country, had they at once, at the commencement of their term of office, introduced those measures now before Parliament. But instead of any such liberal policy having been adopted, it was announced that concession had reached its utmost limits, and that no additional grant could be made in favour of the Catholic religion. Let them look to the appointments made by the present Ministry since they came into office. He believed that those who had been appointed to judicial situations in Ireland had conducted themselves with moderation and propriety; but let them look at what had taken place in the Church—many appointments had been made to high sacred offices, of men, learned, upright, honourable men; but who had always openly avowed their sentiments, who had never concealed their enmity to Roman Catholicism, and their determined aversion to the national system of education. He did not find fault with those who professed these opinions; on the contrary, he honoured many of the men to whom he was alluding; but was it to be considered astonishing that, seeing such appointments, Catholics had despaired of obtaining their rights by the voluntary concession of the Government, and come to the opinion that nothing could be expected but from agitation and violence? He wished to avoid topics of irritation—there was a wide field open to him did he choose to enter it; but he would not. He would not allude to the manner in which the monster meetings had been allowed to go on —to the vacillation which the Government had exhibited in their conduct—to the indiscreet dismissal of the magistrates. He might say something of the manner in which the great prosecution was commenced, and the manner in which it was conducted. But he would not be tempted to enter into that branch of the subject. In the policy which Government was now entering upon he trusted they were acting not upon compulsion, but upon conviction; and that they were impressed with the necessity of putting their Irish Roman Catholic and Protestant fellow subjects upon the same footing, endowing them with equal rights and equal advantages. If such was the policy of Government, he trusted that they would long remain in power to carry it out. [Lord *Chancellor:* Hear, hear.] He rejoiced to hear his noble and learned Friend cheer — not merely, he hoped, the prospect of his remaining in place; but the sentiment which he (Lord Campbell) had expressed: and he trusted that the Government of which the noble and learned Lord was a Member were not now disposed to treat the Irish as aliens in blood, language, and religion. ["Hear, hear," *and laughter, in both of which the Lord Chancellor heartily joined.*] Really his noble and learned Friend provoked him to go on. He repeated that he trusted that the Irish were no longer to be treated as aliens, but as fellow citizens, having a right to all the privileges of British subjects; and that policy being assured, he did sincerely express the wish that his noble and learned Friend and his Colleagues might long hold the offices which they now filled. They had more in their power, in the way of carrying out an enlightened and liberal policy, than almost any Government which could hold the reins of power. Last year they had carried the Dissenters Chapels Bill—a measure which, if brought forward by the late Government, would have raised such a storm of disapprobation as would, most probably, have sealed its fate. At present there was the Maynooth Bill, which if brought in by the late Government would, no doubt, have met with the most determined opposition; and he did say that if the present Ministry were to go on in this way, actuated by this spirit, that he trusted they would have plenty of opportunity for its practical development.

The Bishop of *Llandaff* wished to make a few observations, partly because this was essentially a religious question, and also partly because he had uniformly acted on the principle of extending to our Roman Catholic fellow subjects of this country and Ireland equal rights, privileges, and advantages with ourselves. At some periods of our history the existence of our Establishment, and of the family on the Throne, depended on our throwing a guard around them, and refusing influence and power in the Government and Legislature of the

country to those who were known as the enemies of the pure religion, and who were also desirous of placing a different monarch on the Throne; but as those days passed away, they all, some sooner and some later, agreed that the penal Statutes should be abolished; but the Catholic Relief Bill appeared to him to go the full extent that even the most enthusiastic friends of liberty could desire. It did appear afterwards that some legal disabilities had remained unrepealed — not decidedly omitted, but rather overlooked. They also had been removed from the Statute Book; and he believed that the security that now remained was reduced to its minimum. In one sense, therefore, the phrase that had been so much objected to, that 'concession had reached its limits,' was correct. In the course of the debates on the present measure it appeared to him that one or two points had been treated with great inaccuracy, and that that inaccuracy had very much affected the course of reasoning and thinking on the subject. They had frequently heard of the unfairness of allowing some millions of their fellow subjects to have no part of the religious endowments of the country, and to confer the whole of them upon one portion only, and, though the majority, yet not an overwhelming majority of the whole people. That appeared to him to be a mistaken historical notion of the nature of our Establishment. It was said, that some part of the temporalities ought to be transferred from the one portion of the people to the other; but he did not admit that there were two Christian Churches—there was but one Christian Church in the world. They might differ as to what was the purest form; but there never was more than one Church in this country from the time of its first conversion to Christianity to the present moment. There was but one religion, one faith, one Church, in the country. It was at one time kept in thraldom by a Foreign Power, a foreign prelate and potentate; and it received all its impurities, all its corrupt doctrines and practices, in the course of its connexion with that Foreign Power, which insisted upon every monarch of European Christendom receiving them too. But it obtained its liberty from that state of degrading thraldom by what he might call a providential dispensation; for a tyrant, a man of strong passions, of great and vigorous intellect and arbitrary temper, finding himself thwarted in some of his favourite views, did succeed in breaking the bonds of that thraldom, and setting us free from that oppressive Government; but, having done that, he was still desirous of retaining his subjects in the corruption of the Romish Church. Having, however, set us free, it was no longer in his power to check the progress of reason and pure religion. The Church of England was reformed; it was not done by the State; it was not introduced by any Foreign State. When, therefore, that work of the Reformation had nearly finished its course, though there was a sad and painful interruption for a few years, yet it was established in its full purity early in the reign of Elizabeth, and during that time it was the doctrine, he might almost say the universal doctrine, that there was but one Church; it did not reject Roman Catholics as heretics, on the contrary we endeavoured to include them within the pale of our own pure and improved faith; we invited their communion with us, and for ten years it was a matter of undoubted fact that they did communicate with us, and form part of the Established Church. It was the Church of Rome that threw us off; and those members of it who continued to communicate with the heretical Church were threatened with excommunication. But that was the language of a Foreign State, with which we had no proper connexion. To talk, therefore, of transferring the temporalities of the one portion to the other, was to mistake the character of the measure; and as to the noble and learned Lord's saying, that it was the duty of every Government to appoint a certain endowment to every form of religion that prevailed in the country, he (the Bishop of Landaff) did not know whether the noble and learned Lord recognised that principle of the English Constitution by which one religion was adopted by the State, and which had had transmitted to it all the temporalities it now enjoyed; or whether he considered it as a blemish and mistaken policy in the Constitution, and that those temporalities should be apportioned amongst the respective members of the various faiths that prevailed in the country. He believed that the noble and learned Lord did not know to what extent he would be carried if that principle were acted upon—if the different denominations of religious faith, too numerous for him to mention, were to partake of those temporalities. If it were to be according to number, as he understood the noble and learned Lord, it would vary from time to time. Again, when they talked of the Established

Church of this country being constituted of the ancient Church, he must remind their Lordships of the anxiety with which the leading Reformers endeavoured to preserve the framework of that Church, even in the exterior—the same forms and the same practices—provided they had no connexion with impure doctrines. And if it were recognised that the Government should be at liberty to prefer one form of religion to another as the religion of the State, it appeared to him that they were right in continuing the temporalities to that Church. But this was a speaking out; it told plainly that it was not the nature of the doctrines, but the number of people who held them, that entitled them to endowment from the State. It was said, that this measure was a continuation of the measure that had been passed year after year, with hardly any opposition. That might be true; but they ought to recollect under what circumstances the latter took place. It was intended as a measure of conciliation, and adopted as one of expediency and policy called for by the peculiar difficulties and circumstances of the times; and it was never intimated that it should be considered as a permanent endowment, much less that it was to be a measure of common endowment provided for the Roman Catholic religion in Ireland. To call upon persons to act upon principles that they utterly disapproved, and which, *primâ facie*, were certainly inconsistent with the Constitution and religion they professed—to call upon them to do that, because they had, on some former occasion, from feelings of tenderness and kindness, acted not quite up to those principles, was illiberal in character and pernicious in tendency; and it ought not, in the slightest degree, to influence those persons to surrender their principles. He rested his opposition to the present measure solely upon the ground that it was a measure inconsistent with the doctrines and principles of the Reformation; inconsistent with the very character and Constitution of the Church of England; inconsistent with the civil Constitution of the country; opposed to its fundamental laws, and incidentally declared that the Sovereign on the Throne sat there by an unsound title. On all these grounds he felt that he was bound to resist the measure to the utmost of his power. If he were to put his hand to aid in the work, he should feel that he was doing a parricidal act; that he was doing something inconsistent with the most sacred pledges both of religion and loyalty. The right rev. Prelate concluded by moving, as an Amendment, that the Bill be read a third time that day six months.

Lord *Campbell*, in explanation, said, that so far from being an enemy to the Church of England in England, he felt it to be one of the most useful, one of the best institutions in the world.

The Earl of *Ellenborough* must remind the noble and learned Lord that the Church of England in England and the Church of England in Ireland were, by the Act of Union, one Church. He would not say that it might not be wise to supply the deficiencies of the Church in one country from the superfluities in the other; but he held it to be but one Church, and that it was as just to take from one part of the Empire that which might be necessary for the supply of the Church in the other, as to make the superfluities of Yorkshire supply the deficiencies of Cornwall or Kent. There was, however, but one United Church in both countries, and the Church in both countries must stand or fall as one Church. He had heard with deep regret much that had fallen from the noble and learned Lord. He was as sincere a friend to this measure as the noble and learned Lord; but he felt this—that when the noble and learned Lord and others talked of their liberal intentions towards the Roman Catholic Church in Ireland, and at the same time intimated their intention of taking from the Church of England that which it might be deemed expedient to have for the purpose of assisting the Roman Catholics of Ireland, they held out a principle which was utterly fatal not only to the measure they desired to carry, but to every measure of peace and conciliation with respect to Ireland; for the mention of such a principle would excite a degree of resistance throughout England and Ireland, which would be fatal to every measure of every Government which might have for its object the religious peace of the Empire. He, therefore, earnestly entreated the noble and learned Lord, whom he believed to be sincere in his desire of benefiting Ireland—he earnestly conjured him to abstain from putting forth that principle, or indulging in the hope that they could injure the Church of England, as the means of assisting the Roman Catholic Church in Ireland. That thing could not be done; and to hold out such a thing as desirable was to hold out obstacles insurmountable to the peace and tranquillity in Ireland.

The Earl of *Shrewsbury:* My Lords,

having failed in the attempt to address your Lordships during an earlier period of these discussions, I am anxious to avail myself of the present opportunity of very briefly expressing my sentiments on some few points which have, as I think very unnecessarily, been mixed up with, or indeed made to supersede, the real question before us.

In the first place, my Lords, I am sure I am but little disposed to cavil at any unguarded expressions, or even any opinions which may fall from noble Lords relative to the doctrines of the Catholic Church, during these sort of discussions; but really the language which has been used by some noble Lords, and by some right rev. Prelates, touching the religious tenets of the Catholic Members of this House, not only transgresses against truth, but also, as it appears to me at least, violates the limits of courtesy. My Lords, it should be remembered that we sit here ostensibly and professedly as Catholics; none therefore can be ignorant of the fact that there are some ten or twelve Catholic Members amongst us. Such being the case, whatever is said offensively—whether with that intention or not, or even accompanied, as in the present instance, with many apologies, of the sincerity of which I have no doubt, and with many expressions of, I am sure, the most unfeigned delicacy towards the feelings of others—still, whatever is said of an offensive nature, is at least said wilfully and knowingly; and I cannot but deem it exceedingly offensive under whatever palliatives, to hear the religion which I profess stigmatized as one overlain with deadly error, superstition and idolatry. My Lords, these expressions have been expunged from the oath, and I do think it is high time they were no longer tolerated in debate. They are expressions, my Lords, which as was well and honourably said by a right rev. Prelate, are fit only to designate the religion, if so it may be called, of the savages of the New World! My Lords, if these things were said with some little reserve, were put forth as mere opinions, there would not be so much reason to complain; but, as I understand it at least, they are stated boldly and positively as so many matters of fact, and as such, I take leave to meet the assertion with the most distinct and decided denial. Religious controversy, my Lords, is, of all things, to be avoided in this House, where it is difficult to do more than to meet one assertion by another; but I never will sit still and hear the religion which I have the pleasure and the honour to profess denounced in the terms in which it has been without entering my protest against that denunciation—a religion which I profess not only in common with some few Members of this House, but in unison with the great majority of Christians throughout the world, not only of the time present, but also of all times that are past, and as of all times that are past, so, undoubtedly, of all times that are to come; and my Lords, it is a monstrous proposition that all these, including the whole calendar of our saints, and all the great men of Christendom since the four or five first centuries of the church—for, after all, the period of the wondrous change is yet a problem—it is a monstrous proposition that all these are and have been tainted with the deadly sins of superstition and idolatry. My Lords, however reasonable and charitable this opinion may appear to some, at all events, there will ever be millions to protest against it as I do now. My Lords, it forms rather a singular contrast that not one unseemly word against Protestantism has ever fallen from any Catholic Member since our re-admission here; whereas it is almost impossible for one of us to enter the House without hearing our religion subjected to the most unfounded, and sometimes the most absurd imputations. The utmost deference is ever shown, and very justly so, to Presbyterianism and every other form of dissent, though they, one and all, differ far more widely—as you were told by a noble Earl whom I have now the pleasure of seeing in his seat, and who spoke early in the debate upon the second night of the second reading (Earl of Carnarvon), and who addressed your Lordships with so much feeling, eloquence, and argument, and who won the gratitude of every Catholic in the country by the sentiments which he then so beautifully expressed — that noble Earl told you, as I tell you now, that the Dissenters have departed far more widely from the principles and doctrines of the Established Church than the Established Church from the Catholics, yet Catholicity alone is ever doomed to misrepresentation and attack. My Lords, I am a Catholic, not only in a spirit of obedience to the authority of the Church, but from conviction founded upon study and examination; and I defy the noble Lords who

bring forward these accusations to advance one tittle of evidence in support of any one of their assertions. And yet, my Lords, the main objections to this measure are still drawn from the presumed erroneous tenets of the Catholics, and to substantiate these charges an inquiry has been demanded into the doctrines and books taught at Maynooth; but if the object of the noble Lord who proposed it was merely one of inquiry, that object, I think, might have been attained by a much more direct and summary process. Had the noble Lord moved that a copy of the Catechism of the Council of Trent, as translated and published by a Professor of Maynooth, in the year 1829—had he moved that a copy of that admirable and important work were distributed to every Member of the House, your Lordships would then have had it in your power to inform yourselves with accuracy and with promptitude upon every tenet taught in that establishment. And as to the class books and standards, as they are called — why, the noble Lord had only simply to refer your Lordships to the evidence taken before the Commissioners on Education, in 1825—evidence, indeed, which he himself quoted, though for a very different purpose—for a full and complete refutation of these traditionary charges against the Catholic religion!

My Lords, I should be ashamed to trespass upon you in this controversy after all the evidence that is before you, were it not for the pertinacity with which these charges are still repeated and maintained; but that being the case, I must needs call your Lordships' attention, not to any long extracts from, but to a very brief notice of a Paper drawn up by two Professors of Maynooth, while this measure was passing through the Lower House, in reply to a false and scandalous circular—scandalous because it is false—issued by what is called "The Central Anti-Maynooth Committee." They begin by stating—

"That out of ten or eleven works enumerated as 'class books,' only three are actually so; therefore that for these three only is the College of Maynooth responsible. We shall examine in detail" (they say) "all the passages extracted from these three authors; and for the others, we shall content ourselves with showing, very briefly, that the objectionable doctrines imputed to them are precisely the opposite of those which are taught in the authorized class books."

Then, my Lords, come the extracts relating to the powers of dispensing from Oaths, with this observation from the Professors:—

"This passage is not fairly quoted; the unfairness consists in the substitution of Bailly's doctrine regarding 'just causes of dispensation from Vows,' instead of his doctrine regarding the just causes of dispensation from Promissory Oaths."

Again, after exposing this unfairness in detail, they continue,—

"The suspicions of disingenuousness on the part of the compiler, is increased by his suppressing in the third clause a very important member, the omission of which entirely changes its meaning. The extract is as follows:—'The Superior (or General) of all orders of Monks, can validly, even without cause, make void the oaths of all his subjects,' whereas the original immediately subjoins the following important limitation, 'in those things which are subject to their power, and prejudice their rights,' etc." (See pp. 121, etc.)

After going into this question at length, the Professors proceed:—

"There remains but one other extract from the authorized Maynooth class books. It professes to be taken from Menochius, and it is to the effect that 'Christ does not forbid heretics to be taken away and put to death.' Upon this point we shall simply observe that although the Commentary of Menochius, on account of its conciseness, its general accuracy, and its comprising, in a small compass, notes upon the entire body of Scripture, has been adopted as a class book in the Scripture class, yet it is with an express declaration on the part of the authorities of the College, that it contains objectionable passages, in which, of course, it is deserted by the Professor." (See the evidence of the Rev. M. Montague, the present President of Maynooth, before the Commissioners of Education, Eighth Report, p. 108.)

"Among these objectionable opinions none are reprobated more strongly than that contained in the present extract; and it must be remembered that Bailly, in enumerating the punishments to which heretics are liable by the Ecclesiastical Law, holds no such doctrine.

"We have now considered, *seriatim*, all the passages extracted from the authorized 'Maynooth class books.' With regard to the remaining extracts from Reiffenstuel, Antoine, Collet, A. de Lapide, etc., it is sufficient to say, that not one among them is a class book at Maynooth; and though occasionally consulted or referred to on other subjects, they are never referred to on these questions, unless for the purpose of refutation. Without noticing these passages in detail, therefore, we shall content ourselves with stating that they appear to be introduced into

the catalogue for the purpose of fixing upon the College the imputation of teaching three specific doctrines:—first, that Sovereigns may be deposed for the crime of heresy, and their subjects absolved from their allegiance; second, that heretics are to be punished with death, exile, etc.; third, that faith is not to be kept with them."

Then follow the disclaimers of these doctrines taken from the authorized class books, and couched in the strongest terms; and such, my Lords, is the evidence for those "sanguinary instructions" so confidently said by a right rev. Prelate to be given at Maynooth!

My Lords, after these disclaimers—after all the evidence before the Commissioners—after all the disclaimers from all the foreign universities consulted by Mr. Pitt in 1788—will noble Lords still tell me either that these doctrines are taught at Maynooth, or that they are the authoritative teaching of any portion of the Catholic Church? I think they will not: for, I might as well tell them that because John Knox abetted the murder of Cardinal Bethune, and styled it a "godly fact," that the Presbyterians of the present day are, one and all, involved in his guilt; I might as well tell them—as indeed a noble and learned Lord did tell your Lordships with so much eloquence and humour—that because John Calvin, in the fury of his zeal, and with the treachery of his disposition, burnt Servetus at Geneva, that the Calvinists of the present day glory in the deed, and are willing to commit the like barbarity; I might as well tell them that because this very House passed the Act of Supremacy under which that great man Sir Thomas More was most barbarously murdered—the second victim to the new principles, Bishop Fisher having been the first—that we are thereby pledged again to perpetrate the like atrocity; I might as well tell them that because, in an evil hour, this very House, when the Bishops sat in it as they sit now, and sat without protesting against it—because this very House passed that sanguinary Statute under which every Catholic clergyman in the kingdom incurred the penalty of death for the mere exercise of his priestly functions, that we are of the same mind still; I might as well tell them that because a large body of Anglican divines once taught the doctrine of passive obedience, and of the divine right of kings, that thenceforth and for ever those doctrines became part and parcel with the Articles of the Church of England; I might as well tell them that because Archbishop Cranmer burnt a Socinian, that your present humane and amiable Primate is anxious to try his hand at a similar experiment! My Lords, these sort of illustrations might easily be multiplied almost *ad infinitum*. I will, therefore, only here just observe, that great confusion still seems to prevail in your Lordships' minds as to the degree of authority due to these opinions, or doctrines as they are called; and it has been said during these debates, that if you ask a Catholic whether his religion ever changes, he boldly answers, no; whereas, said the noble Earl who made the observation—and it is chiefly from the high and respected quarter from whence it comes that I notice it—whereas, here is a proof to the contrary. Now, my Lords, it must be remembered that the decisions of the Church have only been given on articles of faith, and on the great moral precepts of the decalogue. In these, of course, there is no change; but to these only does the authority of the Church extend. On all questions of mere expediency, such for example as the manner of treating heretics, and the means of extending Christianity, there always has been, and always will be great differences of opinion, governed chiefly by the circumstances which surround them, and the spirit of the age. Upon these, then, we are free to change without any inconsistency, or any breach of fidelity to the Church, because the Church, as such, has never pronounced upon them, belonging, as they do, more to her executive than to her dogmatical functions.

Even the right rev. Prelates who spoke upon the second reading, severally exercised their own judgment in giving a different interpretation to an oath imposed upon them by their own Church. We only claim the like liberty, and claim it with the like consistency; for the Church of England also teaches that "the Church hath authority in matters of faith," and holds this doctrine irrespectively of much teaching on matters which are naturally and necessarily of a discretionary character.

Much, my Lords, has been said about the Jesuitism of Maynooth, and it has been attempted to prejudice your Lordships' minds upon this question by the application—or rather by the most singular misapplication—of that term. Now,

my Lords, without entering at all upon this controversy, and which, as connected with Maynooth, is almost too childish to deserve attention, I will simply affirm that having read and studied much on Jesuitism and the Jesuits, and having myself been for five years in one of their establishments, I take upon me to assert most confidently, most positively, and most solemnly, that both the Jesuits and their institutes are anything but what they are represented by their enemies. My Lords, it is as utterly impossible that the Jesuits should have played the great part which they have done in Christendom, and have been what they are misrepresented to have been, as that the Pope who suppressed them, should, in his Brief of Suppression, have styled them "the enemies of the human race;" and yet, my Lords, it has been asserted in a printed and published charge, by a right rev. Prelate, a Member of this House, that the Pope did so style them in his Brief of Suppression. Now, my Lords, I do assure you I do not notice this circumstance for the purpose of attempting to cast a stigma on the right rev. Prelate, for I am perfectly satisfied that he was altogether unconscious of what he did, when he put his honoured name to an historical fabrication, founded a strong argument upon it, and held up a whole class of calumniated individuals to the execration of his people; but I notice it as a caution to your Lordships, and as an illustration of the manner in which the best and the most learned amongst you, may and do mislead you. And, my Lords, after the recent lamentable events in Switzerland, I envy not the responsibilities of him who thus caters to the morbid credulity of the public, and to the blind passions of the multitude. My Lords, as a sufficient reply to the aspersions—I was going to say the slanderous aspersions—on the conduct, character, and attainments of the Catholic clergy of Ireland, which fell from a noble Duke opposite on the first night of the debate, I will confidently appeal—though indeed that appeal has already been most honourably anticipated by many of your Lordships—to every honest man on either side of the water, who knows any thing at all about the matter, whether for purity of morals, and the exemplary discharge of their religious duties under every difficulty and privation, as well as for unshaken loyalty to the Sovereign, the Catholic clergy of Ireland are surpassed, if equalled, by any in the world? And as to their theological attainments, which the noble Duke seemed to hold so cheap, and to despise so thoroughly — [The Duke of *Manchester* denied having alluded to their theological attainments.] — Well, then, I will say nothing on that point; but really, if we were seeking for an excuse for, or a provocative to that anti-English feeling, alas! so prevalent in Ireland, and for a strong ground for Repeal too, we could not find a more efficient one than in the line of argument and the language which has been used by the opponents of this Bill during these discussions—a line of argument which, if it had prevailed, would have proved to the people of Ireland that they had no hope of justice from England, since a measure grounded upon the strongest claims of justice, right, and policy, and introduced by the strongest Government we have had for years, was to be thrown aside by a mere senseless cry from a mere section, as I am sure it is, of the people of England and Scotland: and language, which has been employed to propagate the most unfounded calumnies against the religion of Ireland, to flare up all the fanaticism of all the sectarians of the three kingdoms, and to make fiction pass current for truth under their respected names!

But it is to the principle which is involved in this measure that I wish to address a few words. My Lords, the time was when these tenets, still so obnoxious to noble Lords, were placed under the ban and proscribed throughout the land; and what is it that has placed them in their present position, and invested them with their present privileges? I fear it is not that your Lordships' opinions are so altogether altered in their regard—is it not rather that they are become the tenets of so large and influential a portion of the community in Ireland as justly to entitle them to all the rights of the religion of a whole people? Your first grant to Maynooth was based upon that principle, and it is a principle which has every year been strengthened and increased by the accession of power and numbers to the professors of those tenets. It was upon this same principle that you established Presbyterianism in Scotland. Yes! my Lords, you established Presbyterianism in Scotland, and even in Ireland, at a time when you were as much attached to Episcopacy as you are now. The Presbyterians of Scotland are the very last class in the whole community who have any right to complain of this

act of justice now proposed to be done to Ireland, because that act of justice is founded on the self-same principle which governed the Legislature in acknowledging the religious rights of the people of Scotland. My Lords, this, as was well said by an illustrious Duke on the first night of the debate, is no question of polemics, it is a question of popular rights. Were it a question of polemics, we Catholics should have precisely the same right as the noble Lord who moved the Amendment on the second reading, whenever an ecclesiastical Bill came before us, of demanding an investigation into the doctrines of the Church of England, or of the Kirk of Scotland. But that is not the question; as it was one of the consequences of the change of religion in this country to split and divide the people into an almost endless variety of sects; so also was it another to deprive the Legislature of the moral and political right of inquiring into the religious belief of a people so divided—a right, however, which naturally and necessarily belonged to it when there was but one creed for the whole island. But what was just and proper under one order of things, became inquisitorial and tyrannical under another; and it would be but reverting to that system which you have so lately though so happily abandoned, to test the justice and propriety of this grant by the religious tenets which it is to be instrumental in teaching. My Lords, if you have no right to persecute those tenets by fire and sword, neither have you any right to do so by withholding those graces and privileges which naturally and necessarily belong to the religion of the people. My Lords, it was not that I feared the proposed inquiry of the noble Lord—I wish your Lordships had granted it to him—for the result would have been a much more correct view in your Lordships' minds of the doctrines of the Catholic Church; it might, too, have put an end to that system of misrepresentation and calumny so offensive to the whole Catholic population of the Empire, so discreditable to any civilized people, and so injurious to the best interests of the country; no, my Lords, I neither feared, nor did I object to the inquiry of the noble Lord; but I did and do object to the begging of this question by attempting to put it on the presumed erroneous tenets of the Catholics, when in reality it rests upon the rights of the people—upon the very principles and practice which have naturally and necessarily grown out of the change of religion in this country.

My Lords, I have now only once more to express my gratitude to Her Majesty's Government for having brought forward this measure, and my earnest hope that they will persevere in the course they are pursuing.

The Duke of *Newcastle* said, he was desirous of addressing a few words to their Lordships on the question now before their Lordships; but he wished, in the first place, if he was not out of order, to put a question to the noble Lord (Lord Stanley). He wished to know whether the British Government had formally and officially directed the local Governor of Malta to grant his license for the establishment of a Jesuits' College for the education of the youth of the place?

Lord *Stanley*: There has been no question at all of the institution of a College subject to the Jesuits in Malta. Representations have been made from the Colony of Malta, respecting the great deficiency of the means of education in that island, which rendered it necessary for many individuals to send their children to be educated in Italy and Sicily by persons who are not subjects of Her Majesty; and under these circumstances a question has arisen, whether a person, the brother of a Baronet, a Member of the other House of Parliament, might not be allowed, at his own expense, to establish a school for the education of the Roman Catholic population of the island. This question is at present under the consideration of Her Majesty's Government. It has been ascertained that no school can be held there without the license of the Government; but it has also been found that such an application has never been refused. The decision of the Government is not yet come to.

The Duke of *Newcastle*: Did the Government know that this school, if established, would be under the charge of the Jesuits?

Lord *Stanley*: I believe there is no doubt that the gentleman who made the application is himself a member of the Jesuits' College.

The Duke of *Newcastle* said, he wished to know also from the noble Lord, if the Government had any person at the Court of Rome for the purpose of conducting diplomatic communications?

Lord *Stanley*: There is no direct official

diplomatic intercourse between this country and Rome; but I believe at the present time, as for many years past, a gentleman, a member of the Legation at Florence, is employed to carry on indirect communications with those who hold high office at Rome.

The Duke of *Newcastle:* Mr. Petre?

Lord *Stanley:* Yes.

The Duke of *Newcastle* then proceeded to address the House. He said, he felt bound to declare, that he thought it criminal in the State to give encouragement to Roman Catholicism. He had no wish to hurt the feelings of noble Lords of that religion who sat in that House; but, because certain noble Lords who were not of the Established religion had been allowed to take their place in that House, he was not to abstain from expressing his opinion freely on a subject which had been forced upon him. He considered the Roman Catholic faith as error. He had always been taught to understand plain facts, and he could not doubt that the Roman Catholic religion was both superstitious and idolatrous. How could it be otherwise than idolatrous, when relics were worshipped and reverenced, and miracles were attributed to them? The doctrine of transubstantiation also, to his mind, appeared contrary to all reason and religion. He objected to the State giving support from the taxes to that which the national opinion held to be error. He had often heard it said that the grant to Maynooth was originally intended as an experiment. It had, he believed, been universally admitted that the experiment had failed, that it did not produce those loyal and peaceable subjects that it was expected to produce; and it had also been admitted, that those who had been educated abroad were far superior to those who were educated at Maynooth. It was the most ridiculous thing in the world to add fuel to the flame, to supply those who were already bad, with the means of becoming worse. It was sufficiently evident that the Roman Catholics in all parts of the world were endeavouring to supplant Protestantism, and to promote the establishment of their own religion in its stead. If the noble Duke and the Government were disposed to exercise their liberality, they would have taken a much better course by proposing that money should be granted to a Protestant College, which would support Protestant interests. But that was not the course which they pursued; it was the benefit of the Roman Catholics which they were seeking to promote. As to the English Catholics who sat in that House, no one could have anything to say against those noble Lords. What had the Emancipation Bill done? Had it made the country more quiet? Were the Irish Roman Catholics satisfied with that measure? Did they want nothing more? They did want more, and they had tried up to that hour to obtain it. The noble Lord who spoke last, thought it was necessary to make the proposed grant on account of the number and influence of the Roman Catholic body. No doubt, since the Emancipation Act, the Irish had never ceased to agitate; but the noble Duke told their Lordships the other night that they were now quite overcome by force—

The Duke of *Wellington*: No!

The Duke of *Newcastle* said, he was not to be put down by "No!" He said "Yes!" What the noble Duke said was, "that no man in his senses would now believe, that the Parliament and the Government of this country being against the Irish agitators, they could ever have a chance of disturbing the peace, or of carrying their points; that, so thoroughly were they beaten, there was no probability of their again raising the standard of rebellion; and that therefore it was desirable to show that there was on the part of this country no intention to persecute." But was it desirable to hold this language to persons who were little less than rebels, and who were legislating themselves, independent of Parliament? He maintained that no policy could be more unworthy of the Government, or more fatal to the country. No Government which aspired to be strong, and just, and wise, ought to adopt a policy so fatal to the peace, prosperity, and morality of the country. Her Majesty's Ministers were forcing this measure on the House against the feelings of the country, in a manner that would bring disrepute on Parliament, and themselves into bad odour. It was also a measure contrary to the Coronation Oath; and their conduct in leading Her Majesty to assent to such a measure, he could not too forcibly condemn. Indeed, the Members of the Government seemed to pride themselves on setting at nought the feelings of the country—they boasted that no-

thing should induce them to abstain from that which they thought to be right, notwithstanding that the vast majority of the country might think them wrong. That was an affair, however, which they would have to settle with the country. He doubted very much also, whether this measure did not expose them to the penalty of *præmunire*. [Lord *Brougham* dissented.] He believed that to establish and support a Jesuit College, did so expose them. By the 5th of Elizabeth the penalty of a *præmunire* was imposed, among other things, for contributing to the maintenance of a Jesuit College; and he thought it would be well for noble Lords to look to this before altogether agreeing to this Bill. The noble Duke concluded by saying, that he should vote for the Amendment of the right rev. Prelate.

The Duke of *Wellington* said: My Lords, I will begin by stating what I did say in a former debate, as my words appear to have been misunderstood. I said, then, what I now repeat, that whatever might be the opinion of your Lordships upon the effect of the legal question decided by this House, I was convinced that the result of the last two years had been, that no man in his senses now believed it was at all possible to force, by intimidation, tumult, and violence, the Government and Parliament to pass any measure, and particularly a measure for the Repeal of the Union: that was what I said. My Lords, I did not talk of success against agitation. I particularly guarded myself against saying one word about agitation; nor did I say one word about the legal decision, except this, that whatever might be your Lordships' feelings as to the effect of that legal decision, it was the feeling of the country that no chance existed of any question being carried by tumult, violence, and riot. If the noble Duke, who has misunderstood me, is of a different opinion, I congratulate him, as he is the only man in his senses who is of that opinion. I now beg to remind your Lordships, that this Bill is submitted to your consideration by Her Majesty's Government, on their responsibility, for the Amendment of an Act of Parliament. I never before heard that a Bill introduced by Her Majesty's Ministers to amend an Act of Parliament, was an illegal act; and that Her Majesty's Government had been guilty of a breach of the laws in submitting to your Lordships' consideration a Bill for the Amendment of an Act of Parliament. Yet this is one of the charges brought against Her Majesty's Government, by the noble Duke. Then, my Lords, the noble Duke tells us that this measure—a measure which has been carried by one of the largest majorities that ever appeared in this House—he tells us, that this measure is contrary to law; that it is contrary to Her Majesty's Coronation Oath; and I don't know how many more things. The noble Duke brings other charges against Her Majesty's Government; but I am sure the noble Duke, on mature consideration, will feel that these charges are entirely without the support of any argument, at least on his part. The noble Duke likewise calls on me to explain the meaning of the Bill. My Lords, by reading the preamble of the Bill, you will get at the meaning. The measure is to make provision for the education of those persons who are to instruct the Roman Catholics of Ireland in their religious duties, and to provide their persons with the conveniences and the decencies of life. I am ready to state to your Lordships, and to prove, that it is absolutely impossible for your Lordships to leave the question where it now stands; you could not do otherwise than make this provision, or you must repeal the Bill altogether. You must either have repealed the Act altogether, which I do not think any Member of this House ever proposed to do—and I am certain that if proposed, there are not half-a-dozen in the House who could agree to such a proposition—or you must put the College on a proper footing. Her Majesty's Government, on full consideration of the whole question, conceived it to be their duty to propose the present measure, as being a measure rendered absolutely necessary by the growth of the population, for whose spiritual instruction a proper provision ought to be made—I beg the noble Duke's pardon — that is, if the grant is to be continued at all. It is found to be necessary to make due provision, on account of the increase of the population to 8,250,000, from not more than 3,000,000, which was the number when the original Bill passed.

The Duke of *Newcastle:* The Bill did not go on that.

The Duke of *Wellington:* Well, my Lords, in making provision to afford the

decencies of life for 500 young men who are to be the religious instructors of 6,000,000 of Roman Catholics, are you to put two and three in a bed?—are you to pack three or four in one sleeping-room? No, my Lords, you must provide these young men with the common conveniencies and decencies of life, if you mean to give them an education which is to render them fit for performing the important duties they are destined to fulfil. Spiritual influence they undoubtedly will exercise over the minds of their flocks, and possibly social influence also. Yes, my Lords, I say, if these young men are to have a social influence, or a higher influence, over the minds of their flocks, you ought to begin to train them by a proper education. You ought to train and educate them in the same way in which we should train young men here who by their station and rank in life, by their fortunes and the advantages which attend them, were destined to have influence over the minds of a corresponding class of persons in this country. These young men are not unlikely to become the associates of gentlemen of the class I speak of, and it is my wish to see them worthy of being their associates. This, my Lords, is what I mean by giving them the decencies of life, and which the noble Earl behind me calls making gentlemen of them. My Lords, I know what I mean, and I say what I said before, that I wished this country, in forming this institution—as they are under the necessity of doing so—to form it in a manner becoming a great country. You cannot go back to the way in which this institution was formed fifty years ago; for then the population was only three millions, and now it is eight millions. You cannot do that; and therefore, if you do anything at all, you ought to do it in a manner in which a great country like this ought to form such an institution; and it is impossible you can do this on cheaper terms than are stated in this Bill. Now, my Lords, I come to another part of the question, which we have heard from more than one quarter—I mean the endowment question. My noble and learned Friend who spoke at an early period of this discussion (Lord Brougham), stated to your Lordships the real fact about this endowment. The truth is, the College was endowed by the first Act of Parliament passed in reference to it. The Board of Trustees was formed for the very purpose of endowing the College, and one Act of Parliament, before a shilling was expended, gave 8,000*l.* for the purpose. So much for the question of endowment. This Bill does no more than endow the College. In point of principle the noble and learned Lord allows there is no difference whatever between endowing the College with a small sum, or endowing it with a large sum. There is nothing more in the present measure in the way of endowment than already exists; except, in the point to which I am now about to advert, namely, that the former endowment was annual. But my noble and learned Friend (Lord Brougham) says, where was the Minister who would have ventured to come forward and propose to repeal the Act of 1795, and therewith the endowment? When was a Minister found who was even prepared to make such a proposition to Parliament? Great disputes occurred, I admit, in the Parliament of 1798, as to whether the endowment should be 9,000*l.* or 13,000*l.*; but did anybody then propose the stoppage of the endowment altogether? No such thing happened; and I say more, on the very subject of numbers, that the Minister of the day—a Minister for whom I have always entertained the highest respect, Mr. Perceval—gave an additional endowment—he increased the grant to 9,000*l.* on account of the increasing numbers it was necessary to educate as spiritual instructors for the Roman Catholics; and so, my Lords, what my noble and learned Friend said, is perfectly true, that no Minister has ever been found who had proposed, or who would ever think of proposing, to stop the grant entirely. Certainly, my Lords, within the last year or two some propositions to this effect have been made by some individuals in the other House of Parliament; but, my Lords, no such proposition has been made in this of late years; and I do agree, my Lords, with the noble Marquess, that on account of the sort of discussion which this question involves, and which has been manifested during the three nights' debate on this measure, and which we should have every year, if the grant were to be made an annual one, it is desirable that the grant be no longer annual; but that it be made permanent, as this Bill purposes to make it. This is one reason why the grant should be made a permanent one; and there are other reasons. This education which the young men are to receive is to

be for a number of years, and the professors are to have larger salaries. Surely, my Lords, these men, who will be men of learning, whose education must have been costly, these persons are entitled to have something sufficient in the way of salary for their labours, and also that they should feel they were not liable to be turned off year by year; and surely when you admit young men to such an institution for a number of years, you must or should give them some security that you will go on with that education. Under these circumstances, then, it is absolutely necessary to make a permanent provision for this grant. My Lords, I believe I have now accounted for the difference between this and the former grant. I have shown that in point of fact there is nothing in principle so different in this from the former grant as to induce your Lordships to reject the Bill on that ground. There is another point which I understand has produced some impression on the public mind, and which has been referred to in this House—namely, the corporate capacity which this Bill confers—the erecting this institution into a corporation. My Lords, it is perfectly true, as stated by my noble and learned Friend (Lord Brougham) during the last discussion on this subject—and I believe that I also stated it myself—that the first Act of Parliament conferred on this institution some of the powers of a corporation. That second Act of Parliament respecting it conferred other powers of a corporation; but still those powers were not found to be sufficient for the transaction of business, and a third Act was passed, the 48th Geo. III., in order to give them further powers to enable them to manage their business. These results you may read in the recital of the preamble of this Act, which is an Act proposed as an Amendment on the other Acts. The preamble states that the powers given by former Acts not being found sufficient to enable the trustees to transact their business, to receive donations, to make purchases, and to perform other matters, it had therefore been found expedient to erect them into a corporation, to enable them to perform all these duties. I say, my Lords, Government have been justified, from all former Acts of Parliament, in giving them this endowment; next, that they were also justified in erecting them into a corporation. Now, my Lords, on this point, I wish your Lordships to notice, and more particularly the noble Duke (the Duke of Newcastle), for he touched on this point, that this is no ecclesiastical corporation. It is not an ecclesiastical corporation, my Lords—it is an eleemosynary collegiate corporation. It is not liable to the visitation of the ordinary. It is visited by the Crown and the officers of the Crown, as appointed by the Act of Parliament. So far, then, it is not true that this is an ecclesiastical corporation; it is an eleemosynary collegiate corporation — nothing more — to be visited by the Crown and its officers, as appointed under the provisions of this Act of Parliament. The noble and learned Lord opposite (Lord Campbell) will admit that this is the correct legal interpretation. Now, my Lords, having said thus much in answer to the noble Duke, and to some observations which have passed during the debate, I wish I could pass over altogether what the noble and learned Lord (Campbell) said at the commencement of the debate, when he moved the third reading of the Bill. I must say, my Lords, I do not at all believe that the reasons given by that noble and learned Lord for his support to this measure, is shared by many noble Lords. I, for one, and certainly the noble Lord near me (Lord Stanley) must distinctly disclaim any intention of making this the forerunner of other measures. It is a measure, my Lords, that stands by itself. The Government mean to consider every measure likely to benefit Ireland in the same spirit as they will consider measures for the benefit of this country. This measure, my Lords, is brought under your consideration in this spirit, but certainly without being intended as the forerunner of other measures, and more particularly as connected with any measure which has reference to endowing the Catholic Church, founded on the dismemberment of the Church of England established in Ireland. I have relied entirely on the answer given by my noble Friend (the Earl of Ellenborough) who followed the noble and learned Lord on that part of the subject; and I was astonished that the noble and learned Lord should have put himself so forward to recommend so strongly that the Church in Ireland should be plundered of their possessions—but that is a military phrase, and I will not use it. I say, my Lords, that the Church in Ireland is not only secured by the most solemn engage-

ments, that the possessions of the Church of England should be taken from it to form an endowment for the Roman Catholics; but, my Lords, I beg leave to refer you to the oath in the Act of 1829. That oath I quote as nothing but the enunciation of a principle; and I say that the principle of that oath is clearly the avowed determination to maintain the Protestant Church in Ireland; and I advise the right rev. Prelates to rely on that principle as the principle on which this, and every Government, and even Parliament itself, must stand. The principle of all these oaths, from the commencement of the reign of George III. down to the Roman Catholic Relief Bill in 1829—and there is no single instance of an oath without a clause to that effect—is, the preservation and maintenance of the Church of England in Ireland, and the settlement of Protestantism as established by Act of Parliament. My noble Friend the President of the Council has told you that the Government has no thought of such measures. We have been asked if we have not voted for such measures before. My Lords, I never voted for such a measure, but I must say I have heard of such measures being in contemplation. Certainly from the period of the Union down to the present moment, assuredly no man can ever have taken into consideration a measure such as that which I had the honour of proposing to this House—namely, the Catholic Relief Bill, without having taken into consideration that part of the question. But I must say this that I never heard, nor have I been able to discover any solution for the difficulties by which such a measure is surrounded. I say, my Lords, it goes not only to an extent inconsistent with the code by which the Reformed religion was established in this country, but it goes to shake the possessions of your universities, your colleges, your schools, and all that appertains to your social state. My Lords, such a measure would alter the whole system of your ecclesiastical policy in this country, founded as it is on the toleration of all sects and all descriptions of religious opinions. My Lords, supposing that you could find the means of providing for the accomplishment of such a measure, which would be next to impossible unless you were disposed to assent to the proposition of my noble Friend behind me (the Earl of Wicklow), on which I shall say a few words presently—supposing you could find such means, it does not appear at all clear that those who are the objects of such a proposition would accept what you propose. But my noble Friend behind me came forward with a proposition which certainly does appear to me a little extraordinary, and proposed that you should fall back upon a measure ten years ago, and another which is nearly of one hundred years' standing.

The Earl of *Wicklow:* I said, that I threw that overboard altogether.

The Duke of *Wellington:* I am glad of that, because it occurred to me at the time, that if my noble Friend proposes to go back a hundred years, he will find some very possibly who will propose to go back two hundred, many three hundred; and I am afraid he will find his difficulties increase in proportion to the extent of time to which he would carry back his revision. Really, my Lords, I must say it is trifling with the question, to make a proposition which, after all, it would be impossible to carry into effect. I am really ashamed to have troubled the House so long. The argument that the establishment of this institution is inconsistent with the Oath of Supremacy is singular, as if those who took that oath did more than swear for themselves. I have taken the Oath of Supremacy, which says that no Foreign Potentate hath, or ought to have, any power, pre-eminence, or authority within this realm; and that oath I conceive the Legislature imposes on me personally. But if there be any doubts on that subject, I entreat noble Lords to look at the Act of Parliament by which millions of Her Majesty's subjects are enabled to testify their allegiance to Her Majesty without taking that oath. Does the Legislature, then, mean otherwise than to propose this oath to me personally? Can it be supposed that the Legislature means, by the continuance of the Oath of Supremacy, one to swear that there are not seven millions and some odd hundreds of Catholics in Ireland? How can the establishment of this College, then, be against the Oath of Supremacy, when in point of fact the Legislature has provided the means of enabling those very Catholics to take an Oath of Allegiance without the Oath of Supremacy, thus putting other words into their mouths, instead of those words which they could not swear? I think the noble Lord will agree with me

that he has made a mistake in supposing that the establishment of this College is inconsistent with the Oath of Supremacy. I also beg to remark that the noble Lord, if he will look into the Statutes and examine the original Statute of 1796, will see that students and all persons employed in that College are under the necessity of taking the oath required by the 13th and 14th George III., which enables them to testify their allegiance without taking the oath. I trust your Lordships will feel convinced that this is a measure absolutely necessary, in order to carry out the intentions of the Legislature with regard to Ireland.

The Earl of *Wicklow* regretted greatly that Her Majesty's Government should take the view that they had taken of the question before the House. He feared that many years would not elapse before measures far more dangerous to the Established Church in Ireland than even that was would be proposed to Parliament, and actually passed into a law. If the present Ministers of the Crown did not take advantage of the favourable circumstances in which they were placed during the present Parliament, to fortify the Protestant Church in Ireland, there was every reason to apprehend that by other Governments a d other Parliaments measures would be demanded and adopted, which would probably, nay, certainly, sap the foundations of the Established Church. No doubt Prostestanism would continue to exist in Ireland, and he hoped would flourish there and elsewhere; but what he feared was, that the revenues of the Established Church would not be safe for many years, if some such measure as he had suggested were not adopted.

The Marquess of *Breadalbane* said, that he should be as ready as any Member of that House to vote for measures calculated to redress Irish grievances; but the Legislature was bound to keep in view those broad and fundamental principles of the Constitution which had been established, and had hitherto been held inviolable. It was argued, that, because the maintenance of this College had once been sanctioned, it was necessary now to assent to its permanent establishment; but so far as he understood the circumstances of the case at the original introduction of the question, they were totally different from the present. At that time the penal laws were in force, which prevented the establishment of any Catholic seminary whatever; and the first Bill relating to Maynooth was merely a permissive Act, passed, because the College could not be founded without it. It was said that the Bill now before their Lordships had been sanctioned by great names and great authorities; but he begged the House to remember that many years had passed away since those opinions had been pronounced; and that the circumstances of the country were now wholly different from what they were at the time when those great names exercised an influence over the mind of the country. Then it was said that Parliament sanctioned the Roman Catholic religion in Ireland, by granting stipends to Roman Catholic chaplains of gaols and workhouses. Surely that was too small a deviation from the general principles of the Constitution to be properly pleaded as an argument in favour of the endowment of this institution: there was no sufficient analogy in it to amount to an argument; neither was there any argument of the least weight to be derived from the Mahometan, the Hindoo, or the Colonial Establishments which this country had created. Looking, then, at this question in every point of view in which it could possibly present itself—remembering the language used by the Convention Parliament, by William III., —looking also at the Bill of Rights and the Coronation Oath, he did not see how it was possible for the Ministers of the Crown to persevere with this Bill, and say at the same time that it was a constitutional proceeding. He contended, that not the spirit only, but he might say the very letter of these documents, was violated by a measure which called upon Her Majesty to propagate, maintain and establish in the country a religion which in the Coronation Oath the Sovereign pronounced to be superstitious and idolatrous. If this was not a glaring inconsistency, he did not know what inconsistency was. He did not know whither their Lordships would be carried if the constitutional safeguards of our religion and our liberty were thus to be invaded and got over, merely because there was a majority in that and in the other House of Parliament, contrary to the sense of a great majority of the people, as declared in the most earnest language they could possibly use. The noble Marquess had referred to the authority of Lord Chatham (whom none of their Lord-

ships would call a bigot, although all who spoke against this measure were so called), who, in his speech on the Quebec Government Bill, earnestly protested against the establishment of Popery; and declared that the establishment of the Roman Catholic religion in that Colony was a thing the Parliament had no more right to do than they had to repeal the Bill of Rights, or the Great Charter: and that illustrious Minister further said, there was a clear compact that all establishments by law should be Protestant, and that this compact ought not to be altered but by the consent of the collective body of the people. He (the Marquess of Breadalbane) said, therefore, that before they attempted such an innovation in the Constitution as would be effected by this measure, they should appeal to the people. Let them dissolve Parliament, and ascertain what the feeling of the country was on this question. If the people had known that it was the intention of Parliament to sanction the principle contained in this Bill, many of their present Representatives would never have been returned. If, when the Representatives of the people were before their constituents, they had not professed principles wholly opposed to those which would be carried out by the present Bill, he did not hesitate to say, that many of them would not have been chosen. But he further maintained that this measure was utterly at variance with the principles on which the present Government came into office, and with those principles they professed when in opposition. He would remind their Lordships that by sanctioning this Bill they would adopt a course which had not been taken by any other State in Christendom; they would call into action a great Roman Catholic establishment, without possessing any real control over it; they would endow most munificently a Roman Catholic College, in which the Romish religion, in its very worst features, would be inculcated; and this they were doing at a time when every State in Christendom had adopted more or less stringent measures to restrain the dissemination of those monstrous doctrines which, as their Lordships had heard, were contained in many of the text and class books used at Maynooth. And why? Because they found the inculcation of such opinions inconsistent with social order and the principles of civil liberty; and he believed it was a problem yet to be solved, whether real civil liberty and a representative Government, founded on the best principles, could coexist with the establishment of the Roman Catholic religion. On this ground he called upon them to maintain those Protestant principles which had secured and preserved the liberties and privileges of the people of this country, and not to sacrifice them at the shrine of a dangerous expediency. This country had hitherto been looked upon as the cradle of liberty and truth; and he trusted it would continue to be so. Other countries, in the hour of difficulty and danger, had looked to them for sympathy and support; but he feared that if they adopted the present Bill, they would commence a course of policy most dangerous and destructive to their civil and religious liberty. A noble Lord near him had expressed astonishment that the Presbyterians should have taken up this question so warmly, because he thought they would have been the last persons to oppose the establishment of Roman Catholic institutions. That noble Lord must remember that the Presbyterians themselves threw off the yoke of Catholicism, and that they afterwards successfully resisted the attempt to force upon them a system of Episcopacy. Scotland and England possessed the same privileges—they enjoyed the same toleration; and, having themselves thrown off the yoke of Roman Catholicism, because they found it inconsistent with the maintenance of their civil rights and liberties, he thought it no matter of surprise that they should unite to resist the inroads of that system, by opposing a grant which must necessarily lead to the direct endowment of the Roman Catholic priesthood in Ireland. He considered that if any one class of persons in this country had greater reason than another to complain of such a measure as this, it was those who dissented on conscientious principles from the Established religion; for they had not only to maintain their own religious establishments, but to contribute to the support of the Established Church; and now they were called upon to contribute directly to the propagation of a religion to which they entertained the strongest objections. It had been said by great political writers that all enactments of law should be consistent with the feelings and opinions of the people whom they were to govern. If this were a true axiom with

regard to laws in general, it surely was especially applicable to measures affecting the religious feelings and opinions of a people. Their Lordships must remember the course they adopted with regard to that portion of the Church of Scotland which, some time since, complained to their Lordships of the grievances under which they laboured. Those applicants were told, "You are endowed by the State, and you must submit to the conditions imposed by the State; but now their Lordships were endowing a religion without imposing any conditions or restraints whatever, because it was alleged that such conditions would impair the grace and favour of the grant. Were they prepared, then, to apply one measure of justice to the Presbyterians of Scotland, and another to the Roman Catholics of Ireland? Such a proceeding was at variance with all principles of equity and justice; and would, he was convinced, excite strong dissatisfaction among the people of this country. On these grounds he strongly opposed the measure.

The Earl of *Chichester* wished to state the reasons which induced him to vote for the third reading of the Bill. The Legislature had, for the last fifty years, adopted numerous enactments involving the very same principle as that contained in this Bill, and had regularly voted money for the support of this very institution. Indeed, he was unable to discover any difference between the present measure and that of 1796; and he believed that this Bill would simply carry out the liberal and benevolent intentions of those by whom that measure was introduced. It had been felt by some persons, and had been strongly urged upon their Lordships, that there were grave objections to the present Bill on religious grounds. He confessed that he differed from many of those who had supported the Bill; and who had stated, that, in their opinion, the question ought not to be discussed on the religious principles involved in the measure. If the object of this Bill was the improvement and extension of an educational establishment, that institution being expressly intended for the instruction of priests, surely it was proper that, when considering the expediency of the measure, they should also consider the character of the education imparted. They were told by those who objected to this measure on religious grounds, that it was sinful to support any system calculated to propagate error. He fully admitted that it would be wrong in him, as a legislator, to support any measure which he believed would tend to disseminate error; but, although he entertained as strong a feeling as any minister or member of that Church to which he belonged, with reference to the tenets of the Roman Catholic Church, he would feel it an outrage upon their common Christianity if he could look upon that Church as professing a heathen or anti-Christian system of religion. He considered that those who opposed the present Bill on religious grounds, judging from many of the petitions that had been presented against it, founded their opposition on two fallacies. The petitioners appeared to look only at the errors of that religion of which they spoke in such strong terms, seeming to forget the great residuum of truth which they must admit still existed in it. The other fallacy, which was perhaps more common, was this—men seemed to think that because it would be wrong to give support to a less pure or more corrupted form of Christianity than that which they considered the best, that therefore it was, under all circumstances, and where they had no option, wrong to give any support to a system of Christianity which, in their opinion, involved serious errors. Surely there could not be a more serious fallacy than this. Surely it was consistent with common sense, and was the duty of those who owed a common allegiance to the Saviour, to give encouragement to the Roman Catholic religion, when they had no opportunity of choosing between it and what they might consider a better. He believed that, in this case, they had no option—that they must either instruct the Roman Catholics by means of their own priests, or else leave them altogether without education. He would, therefore, have felt no difficulty in supporting this Bill, had it been an original measure for the endowment of the College of Maynooth. But in this case the question simply was, whether they would sanction a small increased grant of money for the endowment of that College; and he felt no religious scruples whatever in giving his assent to the proposition. He must say further, that he regarded this as a wise and judicious measure, because he considered it one of justice and conciliation; and he believed that, if it were followed up on the part of

the Government by corresponding measures, Ireland might be rendered capable of enjoying the blessings of civil and religious liberty, and might possess a due share of national prosperity under the advantages of good government. History had taught them that it was possible to govern Ireland by military force; but she ought to be, and deserved to be, governed as a free country; and it was, he believed, impossible to govern Ireland well and wisely upon any other principles than those adopted in the present measure. In giving his vote for this measure, he did not feel that he was pledging himself to anything more than that principle of justice and conciliation towards Ireland, and towards Ireland as a mainly Roman Catholic country, which he thought was acknowledged by this measure, and which he felt was due to her.

The Earl of *Rosse* said, that were he upon this, as upon the last occasion, to give a silent vote in favour of this measure, that vote might be taken rather as indicative of doubt or reluctant acquiescence, than that cordial support which he was most anxious to give to it, believing it to be of a beneficial teudency to Ireland. In considering the practical working of this measure, it had never occurred to him to doubt that, whatever result might follow, it would materially improve the education of the Roman Catholic clergy. It was, therefore, not without surprise that he had heard it objected to this Bill, that there was no clause in it for securing that which they had in view—the better education of the Roman Catholic clergy in Ireland. In his humble judgment they had a better guarantee than any clause could afford in the plain palpable interest of the authorities at Maynooth to give the very best education in their power to confer; and if any additional guarantee were wanting they would have it in the praise of private opinion, and the pride the Roman Catholics felt in the acquirements of their clergy. Looking, then, to the practical working of the measure in Ireland, the question that arose with him was, whether the measure would improve the education of the Roman Catholic clergy—whether it would produce a beneficial change in their habits, feelings, and position in society? But, in his opinion, there could be no doubt that such would be the result. They had heard of the great difference that existed between the education of the Roman Catholic clergy of England and those of Ireland; and it must be in the recollection of any of their Lordships who had resided in Ireland during the last twenty-five years, what a great contrast there was in the accomplishments and manners of the Roman Catholic clergy of that time who had been educated abroad, and those of the priests who had received a miserably stinted education at Maynooth. But it might be said that education would give power, and that that power would be used against the Protestant Church. If he could see that that argument was well founded, it would be entitled, in his opinion, to the gravest consideration; but in his humble judgment it was totally without foundation; but if it led to a legitimate competition between the clergy of the two Churches, and induced them to read more diligently, no one could contend that it could injure the Established Church; and even if it were desirable that some institution should be established to afford a supplemental theological education, in consequence of the progress of learning among the Roman Catholic clergy, he should think that the Ecclesiastical Commissioners would have no difficulty in providing the necessary funds for such an institution, and he believed that no one would say that that could injure the Established Church. Considering then, that knowledge from any quarter, and in any shape, could not be injurious to the Protestant Church, he should give his earnest support to the measure. Again, it was said, that if they educated the Roman Catholic clergy, they must provide for them. Now, the revenues of the Roman Catholic clergy had been variously estimated—one estimate was 700,000*l.* a year—he had also heard them estimated at double the revenue of the Established Church. He had no means of forming a very accurate opinion on the matter; but taking the two principal towns in the county with which he was immediately connected, he should say that the incomes of the Roman Catholic clergy very much exceeded the incomes of the clergy of the Established Church. Of this he was satisfied, that the incomes of the Roman Catholic clergy at present exceeded what they would be, even if the most sweeping measure of Church Reform were carried into effect. But even if this measure were preliminary to the endowment of the Roman Catholic

clergy, he should not be dealing candidly with their Lordships if he did not say that he should not consider that an objection to it. In looking at this question in all its bearings, it was impossible to lose sight of the actual state of Ireland. Their Lordships were too well aware that agitation had long prevailed there, and it was of a very peculiar character. The great mass of the Roman Catholic population were engaged in it, and, as it was described by the leading journal of agitation in Ireland, they had religion for politics, and politics for religion. Those of their Lordships who had looked into the state of things in Ireland, and had not shut their eyes to what had taken place in other countries, must be aware that the present course of legislation not only would greatly diminish, but entirely overthrow that influence which appeared to be almost overwhelming in Ireland. He believed it to be of the utmost importance that the Roman Catholic priests should be well educated; for then the young men would become thoughtful and sensible, and see that they were placing themselves in a false position by mixing in political agitation. Every sensible man who thought and judged for himself must be convinced that Her Majesty's Government had brought forward this measure from an anxious wish to do everything reasonable and generous that could conduce to the welfare of Ireland. He was sorry to say, however, that some who thought and judged for themselves were too prone to take a different view of the measure; but he was not much surprised at that, considering the insulting language which, for the last two or three years, had been used towards England. The same game was played at the time of the passing of the Emancipation Act, and an insurrection was confidently predicted; no insurrection, however, took place. Now there were "rumours of wars," and they were told that the power of steam could be easily brought into operation against England; and those who talked in that way, actually went into the particulars of the mode in which steam might be applied in warfare against England; not forgetting that the same power could convey a sufficient body of troops, and furnish the necessary armament to resist any such attacks. But he attached no importance to such language, and was firmly convinced that the parties who used it found no sympathy in other quarters. The fact was, that the Roman Catholic leaders knew perfectly well that Ireland could not exist as a separate nation; and that a greater amount of liberty was enjoyed there under the British Crown than would be enjoyed if Ireland was subject to any other European Power. They knew that had the movement which had taken place there within the last few years been attempted under any Foreign Government, it would have been called by a much harder name than political agitation, and have been visited with severe punishment. They knew that no such confederacy as had existed in Ireland would have been permitted to any of the petty States of Europe, and they knew full well also, that at any time the Government of this country had only to pronounce the word, and the agitation which prevailed there would be put down.

The Earl of *Clancarty:* My Lords, in reply to the noble Duke's (the Duke of Wellington) observations upon the opinion I lately expressed, respecting the obligation of the Oath of Supremacy, and its bearing upon the measure now under your Lordships' consideration, I beg to say a few words. It will be in the recollection of many of your Lordships, that upon three different occasions I have lately called attention to this important subject. I deeply feel the delicacy of differing from any of your Lordships upon the interpretation of an oath, the obligation of which, rightly understood, has been accepted by so many. I felt, however, at the same time, that it was my duty to bring the question under your Lordships' notice; but I must say that, desirous as I am, and have expressed myself, to see a matter of such grave importance in the same light as your Lordships generally, my opinion upon the subject has been much confirmed by the fact, that no noble Lord or right rev. Prelate has until this evening attempted to contradict it. The noble Duke has, however, at length expressed the opinion your Lordships have just heard. I cannot agree in it; but I nevertheless rejoice that he has adverted to it, as it will be the means of eliciting the opinions of others more competent than I am, satisfactorily to investigate a subject of such great importance. The noble Duke has put it forth as his opinion that the oath, which affirms, that "no foreign Prince, person, prelate, State, or potentate hath, or ought to have, any power, pre-eminence, jurisdiction, or

authority, ecclesiastical or spiritual, within this realm," attaches only to himself or the person taking it, that it amounts to no more than the repudiation of any personal subjection to Papal authority. This interpretation of the oath, which I had before heard elsewhere in private, I controverted at some length in addressing your Lordships' on the second reading of this Bill. I will only therefore at present very briefly revert to it. I think, my Lords, that the words of the oath are of that general nature, that they are incapable of being restricted to any mere personal acknowledgment: they are the affirmation of a fact, but as that fact has become a very questionable one, I have looked into the intention with which the oath was required to be administered, by which to judge of the sense in which it should be taken. The Oath of the Queen's Supremacy was first enacted by the 1st of Elizabeth, cap. 1. [The Duke of *Wellington:* That Statute has been repealed.] I am aware, my Lords, that the wording of the oath has been altered by the Statute of William and Mary; but I contend that the intention of the oath is to be gathered from the language of the Act of Parliament in which it was originally enacted. Now, by referring to the 1st of Elizabeth, cap. 1., your Lordships will find that that Act, after reviving every Statute against the ecclesiastical authority of the See of Rome within the realm, and every Statute for establishing the Supremacy of the Crown, proceeds in the 16th section to enact—

"And to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never be used or obeyed within this realm, or any other of your Majesty's dominions or countries; May it please your Highness, that it may be further enacted, by the authority aforesaid, that no foreign Prince, Person, Prelate, State or Potentate, spiritual or temporal, shall, at any time after the last day of this Session of Parliament, use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or privilege, spiritual or ecclesiastical, within this realm, or within any other of your Majesty's dominions or countries, that now be or hereafter shall be; but from henceforth the same shall be clearly abolished out of this realm, and all other your Majesty's dominions for ever, any statute, ordinance, custom, constitution, or any other matter or cause whatsoever, to the contrary in any wise notwithstanding."

All such authority is, by the 17th section, transferred to the Sovereign—and by the 19th section is enacted, "for the better observation and maintenance of this Act," the Oath of the Queen's Supremacy, subsequently by the 1st of William and Mary, c.2., s. 1., amended to its present form, and required to be taken and subscribed by all Members of Parliament, along with the declaration of the 30th of Charles II., Statute 2. My Lords, I cannot bring myself to believe that these Statutes were intended to be inoperative; yet such would be the consequence of adopting the noble Duke's interpretation of the Oath of Supremacy. I think, my Lords, that these Statutes clearly set forth the intention with which the oath was framed, and the nature of the obligation it imposes. Having already, upon two stages of this Bill, addressed your Lordships against it, I should not now feel warranted in troubling your Lordships with any further observations, but for the speeches delivered by two noble Lords, on the Motion for the Bill being committed; in which, as the necessary consequence of this Bill, they proposed the immediate and complete endowment of the Roman Catholic clergy in Ireland by a permanent rent charge upon the land, in the same manner as the Protestant Church is endowed. My Lords, this was a proposition to have been expected as the next step; but I confess I was not prepared for it so soon, nor to find it originate in such a quarter. Can those two noble Earls so forget the position in which the Queen is placed with respect to the Roman Catholic religion—that by the law of the land she is obliged to make, and in their presence has made and subscribed, a solemn declaration of Her belief that the form of worship of the Roman Catholic Church is superstitious and idolatrous, as to call upon Her to give it Her sanction and approbation? Do they think that the declaration was intended to be inoperative, except to wound, as I cannot but think it must do, the feelings of Her Roman Catholic subjects? My Lords, I defy any noble Lord to say that it was not intended to prevent the possibility of the Sovereign's consenting to the re-establishment of the Roman Catholic religion, just as the Oath of Supremacy which your Lordships have taken was intended, as I think I have proved, to prevent you from recognising, restoring, or upholding the Papal authority within this realm—an obligation which I think has been overlooked in the Bequests

Act of last Session, and which, I fear, you are about to violate yet more directly by passing the present Bill. Had I, my Lords, no other grounds for objecting to this measure, I should oppose it on account of the oath I have taken at the Table of this House. I shall oppose it, however, also from a sense of duty to my Sovereign, whose obligations and conscientious feelings, publicly and solemnly testified at Her Coronation, I am bound to respect; and I shall oppose it from a sense of duty towards the people of Ireland. I cannot consent to fasten and perpetuate upon Ireland the yoke of Papal authority, which England is happy in having shaken off; and I will not, for one moment, admit, that my fellow countrymen are incapable of appreciating, or undeserving of enjoying the advantages of that civil and religious liberty which dates from, and owes its vitality to the principles of the Reformation.

The Marquess of *Lansdowne* wished, in a few observations, to state the grounds on which he should give his vote in favour of the present Bill, and on which he thought that the passing of the measure would be favourable to the peace of Ireland, and to the security of the Church of England. There was no person who had attended to the long, consistent, and undeviating course of the noble Marquess (Breadalbane) in favour of civil and religious liberty upon all occasions, but must believe that any opposition which he gave to the present Bill was unconnected with anything like prejudice towards his Roman Catholic brethren, or with a desire to withhold from them that justice which, in his opinion, they deserved; but as the noble Marquess concluded his address by appealing to their Lordships whether, as a branch of the Legislature, they would give their sanction to laws inconsistent with the feelings of the people of this country, he (Lord Lansdowne) could not help reminding the noble Marquess, that it was because there were 7,000,000 of people of this country—because those 7,000,000 had a right to be considered the people of this country—that their Lordships could not with justice withhold from them that assistance which their situation required—that assistance which had been given already, and had been found inadequate—and which, by the present measure, their Lordships were only called upon to extend. He would first consider how far the question of principle was connected with the present Bill. Throughout the debates on this subject he had heard the question of principle, as opposed to the propagation of error, most unnecessarily and inconsistently mixed up with objections which had been stated on the score of expediency. Now, it was manifest, that if their Lordships were determined, on principle, to refuse any grant of the kind now proposed, on the ground that they would give no assistance to the propagation of tenets, other than those of the Church of England, they had been hitherto inconsistent in every vote they had passed for years back in reference to this subject. As a question of principle, was there the slightest difference between a limited grant, and a more extended grant—between a grant for a time, and a grant for ever? If a man announced his intention of violating one of God's commandments for a limited period—if he were to say, "For one year I will steal, or I will murder, or I will commit adultery;" and should then contend, that because he only proposed this for a limited period, there could be no violation of principle, he should consider that a very curious sample of theological casuistry. The weakness of the objections to the present measure, which were founded on the argument, that it was wrong to contribute to the propagation of anything like a system of religious error, was manifest. It had been found impossible to maintain such a principle as that. Year after year it had been distinctly abandoned in every place, until they came to Ireland. Liberal in every other part of the globe, they only stopped short in liberality when they came to that great body of persons nearest to them, and who ought to be the dearest to them, and who were the most in want of their liberality; and they told those persons, that they were selected to have that refused them which, in violation of this so-much talked of principle, had already been granted to Her Majesty's subjects in every other quarter of the globe. What an argument to use to the Irish Catholic peasant—to tell him, that if he conducted himself peaceably, orderly, and according to law, that then they, on principle, would refuse him a permanent establishment for the education of his clergy; but only let him commit a crime, be convicted, and sent to New Holland, and then the State would

assist him with an establishment by which he and others might be instructed in his religion! Therefore, the objection founded on the principle of refusing to propagate error must be excluded from the debate. In Trinidad they would not lose their sugar, nor in Newfoundland would they risk the loss of their fish, for that principle. He came, then, to consider the question on the ground on which alone it could properly be considered—that of expediency; and on this ground he asked their Lordships to consider the state of the question. He believed it was Burke who first impressed the matter on the attention of the Government of England; and it was to Burke that the Provost of Trinity College, in 1782, suggested that something should be done for the Catholic clergy. His suggestion, rather a foolish one, was, that the Catholic priests should all be made "sizars" of Trinity College; which made Mr. Burke say, that "You might as well think of feeding Gentoos with beef broth, and dressing their wounds with brandy, as fancy that the Catholic priests would submit to fill those servile offices in the College." Burke, however, took every opportunity of enforcing the subject on the attention of the Government of England, and suggested it to Mr. Pitt. Mr. Pitt adopted it; and when he rejected every other measure for the good of Ireland he clung to this, considering it indispensable. That was the foundation of Maynooth. On looking to the majority of their Lordships on the late division on this Bill, he found that, with the single exception of a noble and venerable Friend of his, who had been connected with the Administration of Lord Liverpool, every one among their Lordships who had held any high situation under the Crown in every Administration for the last thirty years, and thereby had the means of knowing and understanding what the state of Ireland had been, had felt the necessity of giving an extended grant for education, so as to make the sum given adequate to the wants of the country. With respect to the consequences of this measure, he was prepared to say he looked upon this Vote as a right Vote in itself, and independent of any other measures which might follow this; and he would say also, that he did not consider any noble Lord, by voting for this Bill, pledged to vote for any measure, great or small, right or wrong, that might be proposed hereafter with respect to Ireland. Did he desire that there should be no ulterior measures? No; he felt the value of the declaration made by the Government on introducing this measure, that it was to be taken as a proof and symptom of the policy that was to be pursued with respect to Ireland in future; and he did not go further and ask what those measures were to be, and what that policy was to consist in: he thought it wisdom in the Government not to state what were the measures they had in view, or whether they had any specific measures in contemplation, because such a declaration would, in his opinion, not only have been prejudicial to this measure, but prejudicial to any other measure that might have been brought forward hereafter. He agreed with the noble Duke, that the present state of Ireland was full of danger, and that measures ought to be taken for the improvement of that situation; and if the time should come when Parliament should recognise the necessity of placing the clergy of Ireland in a different situation, he could have no doubt that the wisdom—the omnipotence of Parliament, would find the means of carrying that salutary measure into effect. He did not say how that was to be done; but he was certain that no situation could be so dangerous as that of having 7,000,000 of people—as they would have, if this Bill was rejected and Maynooth put down, which would be the consequence of rejecting it—arrayed before the College, and excluded from its advantages. But he took this measure as a proof that there was no benefit which the people of England enjoyed that Parliament was not prepared to extend to the people of Ireland. It had been observed, that for this measure no gratitude had been offered to their Lordships, and that all their Lordships' attempts to effect an amelioration of the condition of the people of Ireland would be met by anything but gratitude. He must say he was not in the slightest degree disappointed at that; nor did he found any argument on that to the effect that a stop should be put to the attempt in which their Lordships were engaged, for the maintenance of the religion of the people of Ireland, and of the peace of the nation. The feeling to which he had referred was not a thing to be surprised at—that when Parliament was endeavouring to take agitation out of the hands of the agitator, he should not all at once

discontinue his agitation, or that the people should not all at once confide in those whom they had been so long taught to distrust. That the people they were now interfering to enlighten should not see all at once your object, was, in the course of human nature, to be explained by what they found in all countries after a long course of misgovernment had produced an hostility to the laws and the Legislature. He had somewhere read that a Government could make the laws, but could not make the prejudices of a people. Certainly a Government could not unmake the prejudices of a people; that could only be the work of time; and though their Lordships had not wings to fly before time, yet they might go on in the course they had adopted; and they would find that if not the present, future generations would be seen enjoying the increased benefits arising from this measure. He must not be told that better educated priests would not be better men, and that the son of an artisan who was educated at this College would not henceforth be a better man, and a better subject. He thought those were consequences of this measure which would follow from it with a certainty that could be reckoned on; and that the change which Burke anticipated as the proper result of a better and more wholesome system of government in Ireland would be established there. That great statesman, not less than half a century ago, wrote thus in a prophetic spirit—

"I see a disposition to take the state of things of Ireland as it is, and improve it to the best advantage to the State, whether Catholic or Protestant, or mixed of both. Hitherto the plan of the Government of Ireland has been to sacrifice the civil prosperity of Ireland to its religious improvement; but the people in power at length have come to other ideas, and they will consider that good order, decorum, virtue, and the morality of every description of men would be of infinitely more value than those schemes which put in hazard the objects which are of more importance to a State, in my poor opinion, than all the polemical matter that has been agitated since the beginning of the world."

That was the opinion of Burke, than whom a greater friend to religious establishments never existed; their Lordships had the benefit of his experience and his prophetic mind, and they had the benefit of their own experience, all which had shown them, that by adding to the force and power of the establishment of Maynooth they had done more for the good of the country than by any other method; and much more than could be done by looking to the recurrence of that system of force in which not the power but the vice of their Government had consisted, would be effected by this measure, of which not the least merit was, that it indicated an intention of abandoning that system for ever.

On Question, That "now" stand part of the Motion? House divided:—Content—Present 104; Proxies 77—181: Noncontent—Present 34; Proxies 16—50: Majority 131.

Resolved in the *Affirmative.* Bill read 3ª accordingly.

On the Question that the Bill do pass,

The Earl of *Winchilsea* said, he felt bound to repeat his protest against this measure, which involved an entirely new principle—namely, that of the endowment of the Roman Catholic Church. Their Lordships were placing themselves in a fearful position by assenting to this measure; and if they did not previously retrace they steps, they would find the sense of the country strongly manifested at the next election. After the division which had taken place it was vain to hope that such an humble individual as himself could produce any impression on them. He could only repeat that he considered the question one of the most serious importance. The Government under which they lived was an hereditary, but a restricted monarchy. The monarch could not ascend the Throne except on Protestant principles; and long might those principles and the Throne be connected! The peerage itself was hereditary: long might it remain so! but it was his honest conviction that if the people once suspected the principles of the leaders of the Government in that House, they would prefer the principle of a peerage elective for life to that of an hereditary peerage. It wss quite certain that if this measure had been proposed by the Whig Government, many of those who had then voted for it would have declared that they could not conscientiously give it their support. He could not conceive why, if they agreed with the noble Earl who had that night expressed himself in favour of inquiry, the Roman Catholics generally had not sought investigation into that system to which their Lordships were about to give a perpetual endowment. If that inquiry had

been granted, it would have been clearly proved that the College of Maynooth was established on the principles of the Jesuits —on principles which militated against the best interests of society. That was, indeed, an eventful day for England. After the passing of that measure, and the signing of it by their gracious Sovereign, the Protestant character of their Constitution would have been destroyed. And on what day would this Bill have passed? Why, on the proud anniversary of the signing of Magna Charta. Yes, that was the anniversary of the day on which the barons of England wrested from King John the charter of English liberty.

Lord *Campbell:* The Roman Catholic barons.

The Earl of *Winchilsea* said, he believed that the early religion of this country was very different from the Roman Catholic religion of a later period. The people of England would never surrender their Protestant principles. Let a dissolution come when it might, he believed that a majority in the House of Commons would be returned on sound Protestant principles, and their Lordships would then have a measure brought up from the other House of Parliament calling on them to rescind the vote which they had given that night. Until that period came he would do all in his power to save what remained of Protestant principle in this great Empire. The noble Earl concluded by moving to insert before Clause 20 the following Clause, viz.—

"And be it further enacted, That after the Expiration of Three Years from the Time of passing this Act, no further Sum shall be charged upon or payable out of the Consolidated Fund for the Purposes of this Act."

Lord *Brougham* said, no one could doubt the noble Earl's perfectly sincerity in the views which he had stated that night, or in those which he always expressed in reference to that subject. It was from no want of respect to his noble Friend that he contented himself on the present occasion, after the full discussion which the measure had received, with giving a simple negative to the Amendment.

On Question, That the said Clause be there inserted? *Resolved* in the *Negative:* Bill *passed.*

House adjourned.

The following Protest against the Third Reading of the Maynooth Bill, was entered on the Journals:—

DISSENTIENT—

"1. Because I hold it to be contradictory to the first principles of the Reformation to provide for the establishment of an order of men to be educated for the express purpose of resisting and defeating that Reformation—men whose office and main duty it will be to disseminate and to perpetuate those very corruptions of the Christian faith which the Church of England has sole nly abjured, and some of which the whole Legislature of England has declared to be superstitious and idolatrous.

"2. Because the most unbounded toleration of religious error does not require us to provide for the maintenance and the growth of that error, but rather imposes upon us a strong obligation to prevent by all just and peaceful means its increase, and to discourage its continuance.

"3. Because this measure has a tendency to raise in the public mind a belief that religious truth is a matter of indifference to the State; and by consequence to subvert that principle of succession to the Throne, which is the title of the present dynasty, and which forms an integral and essential part of the Constitution of this kingdom.

"E. LLANDAFF.
C. WINTON.
CLANCARTY.
C. J. LONDON.
J. B. CHESTER.
R. CASHEL, &c.
WINCHILSEA AND NOTTINGHAM.
CADOGAN."

HOUSE OF COMMONS,

Monday, June 16, 1845.

MINUTES.] BILLS. *Public.*—2°· Timber Ships.

3°· and passed:—Banking (Scotland).

Private.—1°· Rochdale Vicarage (Molesworth's) Estate.

2°· Eastern Counties Railway (Cambridge and Bury St. Edmund's Extension); Bristol Parochial Rates (No. 2).

Reported.—Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); West London Railway; Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway, and Bury Extension); Edinburgh and Northern Railway; Molyneux's Estate; Duke of Argyll's Estate; Newry and Enniskillen Railway; Belfast Improvement; Runcorn and Preston Brook Railway and Docks; Northumberland Railway; Richmond (Surrey) Railway.

3°· and passed:—Dundee Waterworks; Reversionary Interest Society; Harwell and Streatly Road; Blackburn and Preston Railway; Newcastle and Darlington (Brandling Junction) Railway; Monkland and Kirkintilloch Railway; Sheffield and Rotherham Railway; Taw Vale Railway and Dock; Waterford and Kilkenny Railway; Kendal Reservoirs; Agricultural and Commercial Bank of Ireland.

PETITIONS PRESENTED. By Mr. Maher, from Bonleagh, against the Dissenters Chapels Bill (1844).—By Sir R. H. Inglis, from Chertsey, against Grant to Maynooth College.—By Col. Rawdon, from Clonfecle, in favour of the Roman Catholic Relief Bill.—By Mr. Hope, from Hawkhurst, against Union of St. Asaph and Bangor.—By Mr.

Hume, Mr. Smollett, and Lord J. Stuart, from several places, in favour of Universities (Scotland) Bill.—By Mr. W. Miles, from Compton Pauncefoot, for Relief from Agricultural Taxation.—By Mr. Corry, Col. Rawdon, and Col. Verner, from several places, for Alteration of Banking (Ireland) Bill.—By Mr. Kemble, and Mr. Stansfield, from several places, in favour of the Ten Hours System in Factories.—By Captain Hatton, from several places, for Alteration of Parochial Settlement Bill.—By Lord R. Grosvenor, and Mr. Gladstone, from several places, for Alteration of Physic and Surgery Bill.—By Sir T. Fremantle, from Waterford, for Compelling Railways in Ireland to carry a certain number of Poor Pedestrians.—By Mr. Bailey, from Worcester, for Inquiry (Royal College of Surgeons).—By Viscount Clive, from Robert Burton, Salop, against Salmon Fisheries Bill.—By Lord Robert Grosvenor, from Chester, in favour of the Salmon Fisheries Bill.—By Mr. Wawn, from W. H. Brockett, Newcastle-upon-Tyne, for Prohibiting certain Toll (Scarborough Harbour).

CAMBRIDGE AND LINCOLN RAILWAY.] Mr. *M. Sutton* rose to move—

"That the Cambridge and Lincoln Railway Bill be re-committed to the same Committee (Group X.); and that it be an Instruction to the Committee that they have power to take into consideration whether the Section deposited in the Private Bill Office may not be amended, without injury to public or to private interests; and that it be a further Instruction to the said Committee, that they have power to amend the said Section, if, on inquiry, they shall deem fit so to do."

In bringing forward this Motion, he did not mean to impugn, either directly or indirectly, the decision to which the Committee had come; nor did he ask the House to impugn that decision, or to withdraw its support, without which it would be impossible for Committees to perform their functions. He would confine himself to simply stating the facts of the case. No doubt, he should be told that there was no precedent for the application he was making; but in reply to that he would observe that the circumstances of the case were likewise unprecedented. The petition for the Bill had been presented in February, and had been referred to the Sub-Committee of Standing Orders, and it had not been opposed. The parties who promoted the Bill informed the Standing Orders Committee of every point, as far as they knew, in which the Standing Orders had not been complied with. The Sub-Committee reported, that the Orders had not been complied with. The petition was then referred to the Standing Orders Committee. It was then also unopposed; and the promoters of the Bill brought forward before the Committee all the errors of which they were aware. The Standing Orders Committee permitted the promoters of the Bill to alter two lines; and reported to the House, that they ought to be allowed to proceed. The Bill was then referred to the Committee on Group X. It was ascertained in that Committee that an error had been introduced into the Bill as to the construction of one of the sections of the line, as compared with the datum line. He would not enter into discussion as to the character of that error—as to whether or not it affected the real merits of the line—nor would he ask the House to interfere with the functions of the Committee. He would not ask the House to express the slightest opinion as to the merits of the case. All he asked them was, to give to the Committee on the Bill the power to inquire into these circumstances. When the error was discovered in the Committee, the Committee considered that the best course to pursue was, to decide that the preamble do not pass, and to report the matter to the House, accompanied with the reasons upon which the decision was founded; so as to give an opportunity of bringing the subject before the House at the earliest possible time. The hardship of this case was, that the adverse decision of the Committee did not arise from any demerits in the measure itself, but from the fact of a clerical error—an error that had escaped the notice of the original promoters of the Bill, and also the Standing Orders Committee, and which was not detected until the Bill was brought under the consideration of the present Committee of Inquiry. The Committee, though they did not consider the error as fatal to the merits of the measure, were nevertheless bound to take notice of it, and report in the manner they had reported. This was a case of special and peculiar character, and called for the interference of the House. He did not ask the House, in dealing with the case, to reverse the decision of the Committee, but to grant it further powers of inquiry. As regarded the power he proposed to vest in the Committee, he did not believe it would be exercised prejudicially, either towards the parties interested in the measure, or the public. The powers he proposed they should exercise were those which had been exercised on several occasions by the Standing Orders Committee. He could state a few cases, in which that Committee had allowed the sections and the datum line to be corrected. There was a case during last Session in which an error similar to the one in the present

Bill was allowed to be corrected in a branch of the Sheffield and Huddersfield Railway. In the present year, there had been eight cases in which corrections had been made. Of these, he might instance the Wakefield, Pontefract, and Goole, the Cornwall, the North Wales, and the Brighton and Chichester Railway Bills. He saw no reason why a power which had been exercised in these several instances might not with perfect safety be extended to the present Committee. The merits of the competing lines was not the question at present; but it was, whether it would not be judicious and proper to extend, in this special and important case, those powers of reconsideration which had been exercised by the Committee on Standing Orders? Were this done, he was sure the power would not be abused.

Lord *Courtenay*, as Chairman of the Committee to which the Bill had been referred, wished to make a few remarks before the discussion proceeded further. He did not wish to express any opinion as to the propriety of granting the application; but he would just state, on behalf of the Committee, that in the main the statement made by the hon. Member for Cambridge was perfectly correct. It certainly was correct, as stated in the petition, that it having appeared, on the examination of the principal engineer, that this error existed, and the Committee being further convinced, that as far as the evidence enabled them to form a judgment, it was a clerical error—feeling the importance of the investigation which was committed to them, and the desirableness of giving the promoters of the Bill an opportunity of setting themselves right before the Committee, if they could do so—they thought it fair to all parties to ask leave to present the Report at as early a period as possible, in order that the promoters of the Bill might as soon as possible amend their position. The error, so far as the evidence enabled him to speak, was one which did not materially or prejudicially affect any one landowner on the line, or any public or private interests; but it was an error on which they felt bound to decide in the manner they had done, according to the clauses in the Railway Clauses Consolidation Act. They came to a decision after the most careful deliberation; but they did not proceed upon any impression that the existence of the error was prejudicial to the landowners; because the evidence would have led them to the opposite conclusion. It was with considerable regret that the Committee felt bound, under the circumstances, to place one of the competing lines in a position less favourable than the other; for the Committee would have had more satisfaction in deciding on the merits of the Bill, if they had been placed in an equal position.

Mr. *Estcourt* considered the error to be one of great importance; because the datum line was a substantial part of the measure; and the House had directed certain notices to be given, and certain sections to be deposited, and that the datum line should be so marked out that all the world might be able to judge of its correctness. How, otherwise, could individuals ascertain whether their property was likely to be affected or not? He trusted the House would maintain the Standing Order; and not agree to the Motion of the hon. Member for Cambridge. The hon. Member had referred to various instances where parties had been allowed to make corrections; but the Standing Orders Committee considered the datum line of such importance, that he knew of no case in which they had dispensed with it. He trusted the House would adhere to the Standing Order, and repel the Motion of the hon. Member.

The *Chancellor of the Exchequer* said, his constituents were so greatly interested in this measure, that he felt it necessary to make a few remarks, although he seldom interfered in the private business of the House. He thought that a sufficient case had been made out for the adoption of the Motion of his hon. Friend. The parties whose properties were affected could not have been misled by the error which had occurred. The hardship in this case was, that the objection was not taken before the Standing Orders Committee. If the objection had been taken then, the House would undoubtedly have permitted the parties to correct the error. If the Bill should be thrown out, in consequence of the parties not having had the opportunity of bringing the matter before the Standing Orders Committee, great injustice would be done to them, and a most inconvenient precedent would be set; for parties who were aware of the existence of objections might refrain from taking them, for the purpose of profiting by them at a future opportunity.

Lord *G. Somerset* said, the Standing Orders expressly directed, that the datum

line should be taken and adhered to with regard to all the plans and sections; and by the Act which had been passed during the present Session, it was enacted that no deviation of more than five feet above that datum line, should be made without the special consent of every individual affected by it. Now, what was the proposition before the House? That because the parties, by their own negligence, had omitted to give the information which every party was bound to give, they should have the means of rectifying the mistake, and putting themselves in a better position than those who had complied with the rules of the House. If any motion had been made, it ought to have been, that the matter be referred to the Standing Orders Committee, whose province it was to consider the equitable construction of the Standing Orders. The Chairman of that Committee had stated that he did not remember an instance in which such an objection had not been considered fatal. Under these circumstances, he trusted that the House would adhere to the Standing Orders, and reject the Motion of his hon. Friend.

Mr. *W. Patten* was afraid, according to the regular rules of the House, that the matter could not be referred to the Standing Orders Committee. He thought it would be more advisable to refer the case to the Committee on Standing Orders. That Committee would make a Report, and the House could then come to a decision upon the Motion. If the forms of the House would permit it, he would move an Amendment to that effect.

Mr. *Speaker:* I am not aware whether the hon. Gentleman intends to enforce his suggestion by way of Amendment or not; but before I put the question to the House, I ought to state that I do not see how it is possible that such an Amendment can be put consistently with the Standing Order. The Standing Order requires that the House shall not receive any petition relating to the Standing Orders after the second reading of the Bill. Now, this petition has been presented after the second reading, and it does relate to the Standing Orders. For the parties have certainly been guilty, though unintentionally so, of not complying with the Standing Orders; still it is quite clear that they had not complied with those Orders. Therefore, if this petition should be received as one relating to the Standing Orders, it would be decidedly against the rule of the House. I do not think that, consistently with those Orders, it would be competent for me to put the question which the hon. Member has suggested.

The House divided on the Question that the Bill be recommitted:—Ayes 77; Noes 118; Majority 41.

IDOLATRY IN CEYLON.] Sir *R. Inglis* wished to ask a question of the Under Secretary for the Colonies with reference to a report which he had read, as to certain proceedings on the part of the British authorities in Ceylon, which if true were a violation of the resolutions which had been come to on the part of Her Majesty's Government and the East India Company for the suppression of idolatrous worship in India and Ceylon. It was reported that homage had been paid by the English authorities to some object of idolatrous worship in Ceylon. He wished to ask whether there was any truth in that report?

Mr. *G. W. Hope* said, that the statement to which his hon. Friend had alluded was to the effect that the Government Agent in one of the provinces of Ceylon had been a party to the exhibition of the tooth of Buddha, which the House would understand was a relic of great sanctity in Ceylon. At the time we took the island, it was believed by the natives that whoever held the tooth could also hold the government, and, accordingly, means were taken to secure it from other parties. Nothing, however, was done from veneration; there was merely a sentry placed over it, and it was not allowed to be exhibited except in the presence of a public officer. Subsequently the Agent having had a representation made to him that placing a sentry over the tooth had an appearance of veneration, the practice was discontinued, the relic was given up to the native priests, and all ceremonies were prohibited.

Sir *R. H. Inglis* was understood to say (but he was very imperfectly heard), that the answer of his hon. Friend was perfectly satisfactory.

HONG KONG.] Mr. *J. A. Smith* asked a question of the hon. Gentleman respecting the issuing of a certain ordinance by Mr. Davis, the Governor of Hong Kong, against certain societies existing in that Colony, called Triad, and other secret societies, the members composing which were the native Chinese. By the ordinance it was decreed that any person con-

victed of being a member of these societies should be deemed guilty of felony, and be liable to be imprisoned for two years, and to be branded on the cheek in the manner of military deserters. In one of the adjoining provinces in China, there was an edict decreeing that if any of the vagabond members of those societies created a disturbance and were slain by the people, no inquiry would be made as to their deaths, should that take place. He wished to know whether the ordinances of Governor Davis had received the sanction of the Government.

Mr. *G. W. Hope* said, that the ordinance to which the hon. Gentleman had referred had been passed by the Governor in Council in Hong Kong, for the purpose of putting down the Triad societies existing there. It appeared that these societies were a combination of Chinese, acting under the direct dictation of one individual, whom they were bound by oaths implicitly to obey; and they were known and dreaded as a body of assassins, robbers, and murderers. They were, as set forth in the edict, the very terror of the people of China; so much so, that they even levied a species of black mail from members of the Government itself. An edict had, therefore, been issued by the Emperor, for the suppression of these Triad and other secret societies. With regard to the form of the ordinance put forth by the Governor of Hong Kong, it was in some respects objectionable; at the same time, it was deemed necessary to suppress these societies; therefore further instructions would be sent to the Governor, with the view to the issuing of another ordinance. The hon. Gentleman was not strictly correct in saying that it was the practice to mark these persons on the cheek as were deserters in the army. They were marked, but not so as to be visible. He might state that in consequence of there being no power in Hong Kong to punish the Chinese, who were subjects of the Emperor, this Triad society were regarded as superior to all law, and it was felt that there was no security against the conduct of persons acting under their authority.

BREACH OF PRIVILEGE—COMPLAINT.] Mr. *Roebuck:* I rise, Sir, to solicit the attention of the House while I state to it a question relating to a breach of its privileges. It will be in the recollection of the House that I addressed to it some observations in the course of the debate which took place on Friday last upon the question of going into a Committee upon the Irish Education Bill. What succeeded is also known to the House. In the afternoon of Saturday a carriage stopped at my door, and the following note was left with my servant, it being marked outside "Private and confidential;" it was dated from the Reform Club, and signed "J. P. Somers:"—

"Sir—Unfortunately, I was not in the House of Commons last night when you spoke in Committee on the Irish Colleges Bill. If I had been present, the necessity of addressing a Letter like this, which is one of inquiry, could not have arisen. But, having been absent, I am compelled to resort to the Newspaper Reports of the proceedings which took place, and of the language used; and I beg, in the first instance, to ask you, if the following words were spoken by you, or words to the same effect:—'This consideration might have led to what had been witnessed, and those who followed in the train of such a leader deserved little respect either for their position or their intellect?' If you used those words, the insult they convey to me, as a Repealer, is plain. My second question therefore is, are you prepared to 'JUSTIFY' them? The meaning of the word I have underlined I am sure you are too well read in the old history of Chivalry to misinterpret.

"P.S. I send a copy of the *Morning Chronicle* herewith; the passage marked."

The hon. and learned Gentleman observed, that the word "justify" was twice underscored, and was proceeding to make some further remarks, when he was interrupted by

Sir *V. Blake,* who said, I rise to order. Every hon. Gentleman has an undoubted right to deliver his opinion upon any subject that may be submitted for debate in this House; but I say that he has no right to catechise or lecture any particular Member or set of Members, or utter offensive words. ["Order."]

Mr. *Speaker:* The hon. Baronet is, most unquestionably, out of order.

Mr. *Roebuck* continued. On receipt of that note, I immediately wrote an answer, which I delivered myself next morning, to this effect:—

"Sir—You shall receive the answer which your letter requires, in the House of Commons, on Monday next; and I now give you the following warning for your guidance at the same time. I am determined that the free expression of opinion shall not in my person be coerced or checked; and I shall, therefore, take the most stringent and effective means to punish your present menace, and put down all future violence. I hope you are sufficiently

well read in the laws of your country to understand this intimation."

I have first to move, Sir, that the letter of the hon. Member for Sligo be read at the Table.

Mr. *Speaker:* Is the hon. Member for Sligo in his place?

Mr. *J. P. Somers* rose and bowed.

The Clerk at the Table having read the note,

Mr. *Roebuck* resumed: Now, Sir, I am exceedingly sorry that it falls to my lot to pursue the course which I am about to pursue. But I feel it a paramount duty, not as regards myself, but as regards this House, to move that—

"John Patrick Somers, esq., having sent a challenge to a Member of this House for words spoken by that Member in his place in Parliament, is guilty of contempt, and of a breach of the privileges of this House."

My reason for adopting this course I shall calmly and briefly state. If I regarded myself in the affair, the law would afford me instant protection; and I am quite prepared to throw myself upon the law in such cases. But in this instance it is not myself I have to consider, it is this House, and the privileges of its Members; amongst the most valuable of which is the fair and free expression of their opinions respecting public men and public policy. I claim a right to the free expression of my opinions; and I think I have a right to assume that, in expressing them on the occasion I have alluded to, I committed no breach of the rules of this House, inasmuch as I was not by you, Sir, or by any hon. Member in the House, called to order. I claim the right to say that I have little regard for the intellect of some public men; but I go further, and say that I entertain little respect for the position which they hold; and one of them comes forward and suggests to me that he should be allowed to shoot at me. Is that a proof of superiority of intellect? Does it support the opposite proposition to that which I endeavoured to establish in this House? But, if it do not, what does it do? It gives to any man having that species of physical courage which shall give him a great chance with a pistol over his antagonist, to assail any man in this House who chooses to do his duty. I think it would be far wiser to adopt the more courageous course of at once meeting a proceeding of this description in the way in which I now meet it. I put aside all other considerations at present, and they are many. I sink them, and stand upon my privilege as a Member of this House, to demand of this House that it should protect me. I throw myself upon it for protection—I use the word advisedly—and when we consider all that is going on around us, when we see the vast calamities which arise out of this barbarous custom, I say that it becomes every man who has a heart that beats with the pulse of courage to take the course which I now take. Assuming, therefore, that the hon. Member will not deny his writing, I move that he is guilty of contempt, and of a breach of the privileges of this House.

Lord *Ashley* said: I rise with great satisfaction to second the Motion, and in doing so will take the liberty of tendering to the hon. Member for Bath my sincere and heartfelt thanks for having brought it forward. I offer to him not only my thanks, but I think I may say the thanks of a very large body of Gentlemen in this House; and I know that I speak the sentiments also of a very large proportion of my fellow subjects, when I say that I have viewed with disgust and horror the prevalent notion of what is miscalled honour. In this instance we are doubly indebted to the hon. and learned Member for asserting not only a social question, but a great constitutional question; for I can foresee the time when, if this system be introduced into this House, or into any other deliberative assembly, the liberty of speech will be at an end, and hon. Members will be under the necessity of appealing, as our ancestors did, not to the influence and force of reason, but to violence and the sword. I, therefore, cordially second the Motion, tendering at the same time, in my own name, and in the names also of the gentlemen of England, and of thousands of his fellow subjects, my warm thanks for his manly and courageous and consistent conduct.

Mr. *J. P. Somers* then rose and said: Sir, I have no hesitation whatever in withdrawing the letter, which is looked on as an attack upon the hon. and learned Member. It was merely a letter of inquiry. The hon. and learned Member did not condescend to answer those inquiries. I do not call in question his motives for refusing, but I bow with unaffected deference to the decision of this House and of the Chair. I am not one of those who will play with the authority of the House, or attempt a dexterous accommodation of

offensive terms. I take the sense of the Speaker and of the House to be paramount upon all occasions, and will not be one to run counter to them. An opposite course might lead to a great waste of time. I deeply regret that I wrote this letter, and that any matter personal to myself should have occupied the attention of the House for a single moment. If the hon. and learned Gentleman is satisfied with that explanation, I trust the House will be also satisfied; for I do not think I can say anything fuller or more explicit. At the same time, I trust the House will bear with me for a moment whilst I call the hon. and learned Member's attention to observations which I am sure he must regret, and to the coarse imputations which are frequently put forth against certain Members of this House. Hon. Members must really give me the liberty of saying, that the hon. and learned Member's observations are not always in accordance with—I must be permitted to say it—truth. No; I will recall the observation, and will say, with what entitles them to public respect. I now resign myself to the hon. and learned Gentleman. Henceforth he may say anything he pleases of me, or of the party to which I belong. I have to apologize to the House for obtruding myself on its attention; and I once more declare, I regret to have been the cause of occupying its attention for one moment.

Sir *G. Grey:* Nothing, Sir, can be more satisfactory or more ample than the manner in which, during the early part of his observations, the hon. Member for Sligo retracted his letter to the hon. Member for Bath. The casual expression in the latter part dropped from him unawares, and was not intended to qualify that retractation. But as the hon. Member has placed the course he has taken partly on what he conceives to be the general feeling of the House, I should not do justice to my own feelings, if I did not say a few words upon the subject. In common with my noble Friend the Member for Dorsetshire, I think the course pursued this night by the hon. and learned Member for Bath is the proper course which every Member, under such circumstances, should always pursue; and I concur in the opinion that the example now, for the second time, set by the hon. and learned Member, will be followed by any other Member who may receive a hostile message for what may have been spoken in debate. I concur also with my noble Friend in his energetic denunciation of this barbarous and unchristian practice. There is not one word used by him that I do not sanction; and I am as opposed to the practice as any man in this House can be. I must at the same time say, that my entire approval of the conduct of the hon. and learned Gentleman is limited to his conduct in this matter. I cannot extend my unqualified approbation to the course he took on Friday night. I feel strongly, that when called to account by a hostile challenge, it was his duty, as a Member of the House, to bring it before the House, instead of yielding to what might be the feeling out of doors; but I feel also that he ought to have guarded himself in the language he addressed to this House. Far be it from me from taking upon myself the part of censor of the hon. and learned Member for Bath. I am sure he discharges, in whatever speech he may make, and whatever language he may use, what he conceives to be his duty; but, after the feeling of the House had been shown on the general question, I should not do my duty if I did not say, that I think the terms of his statement were calculated to give offence; and the hon. and learned Gentleman must see that this is not necessary to maintain the freedom of speech in this House. I was in the House on Friday night, and I heard the speech of the hon. and learned Gentleman with that attention to which all his speeches are justly entitled for their talent and ability; and I thought at the time, that it was calculated needlessly to cause irritation; and I am sure the hon. and learned Gentleman will concur with me, that truths may be spoken, and in plain language, and yet that they need not cause irritation beyond the moment.

Sir *R. Peel:* I think, Sir, that the hon. Gentleman the Member for Bath has taken a course which is consistent with true courage, and one which he can take without any imputation remaining on him; and at the same time, I think that the hon. Gentleman has made every retractation it was possible for him to make. He has unequivocally declared that he retracts the letter, he has expressed his deep regret at having written it, and he has apologized to the House; and he has done what a person who has been betrayed into an act of this kind may, with equal credit to himself, do. Under these circumstances, I trust the hon. and learned Gentleman will see he has received such reparation that

he himself will withdraw the Motion. I think he has set an example which may be worthily followed; and at the same time, I think that the hon. Member who was in error has also set an example, with perfect credit to himself, by making the most ample and best reparation in his power. I trust, therefore, that the hon. and learned Gentleman will not press his Motion.

Mr. *E. B. Roche* did not rise to prolong this unpleasant discussion, on which they must all unwillingly enter; but he trusted he might be allowed to say, that they never would have arrived at this unpleasant state if the House had, as it ought to have done, interfered when the hon. Member for Bath made those observations. What was their present position? It was not the right of any Member of that House to make personal observations; and they could not make imputations without creating unpleasant feelings, and some indignation in the bosoms of those who were treated in this manner. He took it, that it was under these feelings that the hon. Member for Sligo acted in the course he had adopted. He would not express any opinion on the prudence of that course. The course of the hon. and learned Member for Bath might, on the whole, be the prudent and proper course; but he must limit his approval, as the hon. Member for Devonport had done, to the hon. and learned Member's conduct that night. The House, however, had its own character to maintain in preventing such unpleasant scenes from occurring; and they ought to stop all that would raise these feelings, either in the House or out of it. He would not go so far as to say that the Speaker ought to get up and stop such remarks; but the House ought to show by strong intimations its own feelings against such exhibitions, and so stop the occurrence of anything unpleasant.

Mr. *Hume* said, that no man was a greater enemy to the practice of duelling than he was; and he was willing to make every allowance for what happened in the heat of debate. He spoke feelingly; for no one, probably, had required more allowances in this respect than he had done; but this case was entirely different. Many hon. Members might have received such a letter as that written to his hon. Friend, in such a way as to lead to the destruction of themselves and their families. The House ought not, therefore, to try his hon. Friend for his speech the other night; and so he thought the right hon. Baronet (Sir G. Grey) had taken an erroneous view of the question. He was for supporting all their privileges; if there was one which was more important than any other, it was the freedom of speech in that House; and if there was any manner in which that freedom could be more seriously attacked than in any other, it was by sending a hostile message. He entirely concurred in the opinion that his hon. Friend had shown true courage; but there were many in that House who might have courage, but who might not be in the situation of his hon. Friend, and be able to come there with perfect security to vindicate not himself, but the privileges of the House. He considered, therefore, the observations of the right hon. Baronet as misapplied. What they had to consider was, whether this letter was a breach of the privileges of the House; and they ought to affirm that it was. When, afterwards, the question should come how they were to deal with the hon. Member who sent it, he would be the first to state that the hon. Member had made every reparation. If it were intended to criminate his hon. and learned Friend for the course he took the other evening, it was a wrong step; they ought not then to try his hon. Friend for imprudence, if they could so call it, in the manner in which he had on a former night expressed his opinions. Let him call their attention to the situation in which his hon. Friend was placed: he had been held up elsewhere in language which few Members would endure; and was he not to be at liberty to express his deep sense of the injury he had received, and was the right hon. Baronet to lay down the rule of how his hon. Friend was to express his opinions? If they were to have freedom of speech, every Member must express his own sense of injury in his own way; and if he were wrong, he might at once be called to order, as acting against the rules of the House. They ought not to try him for an expression of opinion, when the question was, what had been the conduct of another Member towards him. He humbly submitted that the House ought to affirm the Motion, that this was a breach of the privileges of the House; and whatever step might be taken afterwards, no one would be disposed to act more tenderly, or with more liberality, than he was.

Sir *R. H. Inglis* rose to thank the hon. Member for Bath for adopting a course

which showed the moral as well as the physical courage that ought to belong to Members of the House. He begged also to thank his noble Friend who seconded the Motion, for the truly noble and Christian manner in which he had reprobated the crime of duelling. He rejoiced in the general concurrence of all sides in this view of the subject; but he suggested, that if the Motion were withdrawn, some entry ought to appear upon the Journals of the House as to the reason why it had been withdrawn: that the hon. Member for Sligo had acknowledged his letter, and had expressed his regret at having written it. He hoped that he did not misunderstand the gesture of the hon. Member for Sligo; but the great body of the House collected that he had apologized to it, as well as to the hon. Member for Bath, and had expressed his regret at having written it. Less than this would not satisfy the justice of the case. Freedom of expression for opinion was of the utmost value in Parliament; it was an essential privilege; and if any objection were entertained as to what was said by a Member, it ought to be noticed at the time. In the present feeling of the House, and after what had been said by the hon. Member for Sligo, he hoped that the hon. Member for Bath would not deem it inconsistent with his duty to withdraw his Motion.

Viscount *Howick* entirely concurred with the hon. Gentleman, that the Motion ought not to be withdrawn without some entry, at all events, of the ground, and without saying that the apology of the hon. Member for Sligo had been accepted as full satisfaction. But he would go further: he would say they ought first to affirm the Motion of the hon. Member for Bath, and having affirmed that, they should add that a full and ample apology having been tendered in his place by the hon. Member for Sligo, the House would not proceed further in the matter. This was the proper course; for if the Motion were withdrawn, it would appear as if they were not prepared to declare that a challenge sent by one Member of the House to another Member, for words spoken in that House, was a breach of privilege. As he agreed with the noble Lord the Member for Dorsetshire, and with the right hon. Baronet the Member for Devonport, that they were deeply obliged to the hon. and learned Member for Bath for the course he had taken, he for one was not prepared to consent to the Motion being withdrawn.

Viscount *Palmerston:* I concur very much in the view just stated by my noble Friend. It is inexpedient for the House to allow the present occasion to pass without expressing its opinion on the principle involved in the question; but I submit that if we pass a Resolution pointing at an individual Member, it will necessarily imply blame incurred and censure deserved. It seems to be the opinion of the House that the apology of my hon. Friend the Member for Sligo is sufficient; he did not dispute his letter—that letter is a breach of privilege—and for that letter such an amends has been made as ought to exempt my hon. Friend from any future proceeding. It seems to me that the object of all parties will be attained if, as the right hon. Baronet (Sir Robert Peel) suggested, the personal Resolution be withdrawn, and a general Resolution be substituted, affirming that a breach of privilege has been committed by reason that one hon. Member sent a hostile message to another, in consequence of something that passed in a former debate. I quite agree with those who think that the hon. Member for Bath has well deserved the thanks of the House and country for the course he has pursued: my concurrence could not be expressed in too strong terms. I almost admit that this is not merely a technical breach of privilege; but that if permitted to pass unnoticed, it would, as my noble Friend the Member for Dorsetshire said, strike a fatal blow at the very constitution of the House. It is, therefore, essential to enable the House properly to discharge its duties, that such proceedings should not be repeated. But, on the other hand, it is important that the House should attend to the observations which were made by my right hon. Friend the Member for Devonport; and that every hon. Member should bear in mind, that if he is not to be personally responsible for that which he may feel it his duty to state in debate, he should take especial care that what he does say shall not be calculated to give unnecessary personal offence; and without taking upon myself the task of lecturing the right hon. and learned Member for Bath, I think he himself will feel that the observations which he made, not merely on Friday night, but which he has made on former occasions, upon Members representing Irish constituencies, can scarcely be justi-

fied. I do not say whether his censure is proper or not. I may be disposed to concur very much in the general view which he took as to those Members not being justified in absenting themselves from their places in Parliament; but I think he will admit, that the manner as well as the language in which he has alluded to those hon. Members, did overstep the bounds which are necessary to be observed when expressing, with the utmost possible constitutional latitude, any opinion which one Member may entertain of the conduct of others. And, therefore, I trust that while, on the one hand, this House does interpose effectually to prevent hostile proceedings out of doors for language and opinions expressed within this House; on the other hand, every Member will feel that it is on that account more especially his duty, with a view to maintain public respect for our position, in expressing his opinions to abstain from using language which will justify offence, or wound unnecessarily the feelings of others.

Mr. *Speaker:* Perhaps it would assist the House in coming to a conclusion on this subject, if I were to read the entry which will be made on its Journals. The following is the entry:—

"Whereupon Mr. Somers, in his place, stated That, seeing the sense of the House was so decidedly expressed in condemnation of the course he had pursued, he had no hesitation in expressing, in the most unequivocal manner, his regret that he had written the letter, and his wish to withdraw every offensive expression conveyed therein towards the hon. Member for Bath; that he considered the authority of the House and the Speaker paramount on all occasions. He begged to express his regret, that the attention of the House should have been occupied with a matter personal to himself, but trusted that what he had now said would be satisfactory to the House and the hon. Member."

Sir *W. Somerville* thought this was not a time to allude to former debates. He would only say that he had sat in that House a number of years with his hon. Friend the Member for Sligo, and he had never heard him make use of an unkind, harsh, or unparliamentary expression towards any one.

Mr. *Roebuck:* Sir, at the outset of these proceedings, I stated that I was bringing before the House its privileges, and not my case; and, therefore, when the House says that its privileges are satisfied and defended, far be it from me to let my personal feelings throw any impediment in the way; but I should be unworthy of my position if I admitted in any degree the charge which has been made against me by the right hon. Gentleman the Member for Devonport. I had to express an opinion concerning conduct which I did then, and do now, believe to be the most mischievous that could be pursued by any Member of this House. I used language that accurately described my feelings and opinions upon that question. I did no more than I had a right to do. What I said was strictly true, and no fault was found with me at that time. If there had been, an opportunity might then have been given, which I do not now take, of satisfying this House. I do not ask any apology for myself—I want none. The privilege of the House has been vindicated, and that is all I care for.

Mr. *Somers:* I am unwilling to address the House; but reference has been made to me by the hon. and learned Member for Bath, in language which I declare to be unparliamentary, assigning to me the basest motives.

Mr. *Speaker:* The hon. Member is referring to a former debate. He should have taken that exception at the time. He is, therefore, out of order.

Mr. *Roebuck* rose amidst great confusion, and said, I will go one step further. I have been accused of using language unfit to be heard in this House. The hon. Member has just used such language towards me; and I say, he ought to be called upon to retract it.

Lord *John Manners* was understood to say that, as the Speaker had stopped the hon. Member for Sligo, he ought to pursue the same course towards the hon. and learned Member for Bath.

Mr. *Somers:* The hon. and learned Member for Bath has repeated all the offensive expressions which he used on a former night; and I, therefore, stand in the same position before the country.

Mr. *Speaker:* If the hon. and learned Member for Bath had made use of any improper expression on a former evening, it would have been my duty to have interfered with him. I did not hear him use any unparliamentary expression, nor did it appear to any hon. Member that he had used such an expression. I forbore to interfere on a former night, and I cannot admit that any observation which has been made by the hon. and learned Member for Bath on this occasion will bear the con-

struction which the hon. Member for Sligo has put upon it.

Sir *W. H. Barron* said, the hon. Member for Cork (Mr. O'Connell) had once been accused of a similar offence—[Mr. O'Connell at the moment entered the House]—and a Motion was passed, condemnatory of the language which he had used with reference to that House. He recollected that the Members on both sides of the House condemned the conduct of the hon. and learned Member for Cork; and the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) told his hon. and learned Friend that he should be exceedingly cautious of the language which he used towards hon. Members, both in that House and out of it, when he sheltered himself under a certain vow. Hon. Members on the other (Ministerial) side of the House did not, however, lecture the hon. and learned Member for Bath as they had done the hon. and learned Member for Cork. He thought, however, that a similar observation would apply to the hon. and learned Member for Bath, when he came down there to shelter himself under the privileges of that House.

Mr. *Speaker:* I cannot accuse the hon. and learned Member for Bath of using offensive language. Nothing that has fallen from him this evening has in any degree been offensive to anybody.

Sir *R. Peel* was sorry that the noble Lord (Lord Howick) had exercised his privilege of opposing the withdrawal of the Motion. The hon. and learned Member was prepared to withdraw it, and he thought the privileges of the House would have been sufficiently vindicated by the adoption of such a course; and he must say, that the hon. Member's readiness to do so was very creditable to him. He begged to remind the noble Lord, that last year the hon. and learned Gentleman had occasion to make a similar complaint; and he then pursued the same course. The letter which had then been written by the hon. Member for Canterbury was of a more decided character than that of the hon. Member for Sligo; but the House was contented to let it pass, without any record upon its Journals that it was a breach of privilege. There was also a case in which Mr. Hope, now the Lord Chief Justice Clerk, sent a hostile letter to another hon. Member; and, after an apology, the House came to a Resolution that they would proceed no further. The word "contempt," in the Resolution of the hon. and learned Member, was objectionable. It was a breach of privilege; and it might, therefore, be sufficient to state that it was so, without using the word "contempt," as in the case of Mr. Hope. If the Resolution of the hon. and learned Member was adopted, it would be necessary that another Resolution should state that the House would proceed no further; but it would be more satisfactory to him if the other course were adopted.

Viscount *Sandon* suggested moving the previous question, otherwise they would be compelled to vote "ay" or "no" upon the question of breach of privilege.

Viscount *Howick* said, that after the appeal which the right hon. Baronet had made to him, he might be excused for saying that the appeal had given him the strongest reason for persevering. The right hon. Baronet said, that this was not the first time that such a Motion had been withdrawn; it might, therefore, be in consequence of former precedents that a similar transaction had taken place again. As to amending the Motion, he was sure the hon. and learned Member for Bath would not object to do so, by the omission of the word "contempt." He thought, however, that it was rather invidious to appeal to the hon. and learned Member who had made the Motion to withdraw it. Should the Amendment be acceded to, he was prepared to move—"That, in consequence of the full and ample apology offered to the House by the said John Patrick Somers, the House will not proceed any further in this matter."

Sir *Valentine Blake* said, the House had sanctioned a fallacious principle; its privileges were not so extensive as they appeared to think. He thought the House should make some allowance for the feelings of the hon. Member for Sligo, and ought to require some assurance from the hon. and learned Member for Bath that he would not in future pursue the habit which he had been so fond of indulging in.

A Motion was then put, "That the words 'contempt' and 'of' stand part of the Question," which was negatived.

The words were accordingly omitted; and the first Resolution, so amended, was agreed to.

Viscount *Howick* then moved his Resolution, which was also agreed to.

SIR HENRY POTTINGER.] House in Committee on Her Majesty's Message, which was read. [See *ante* p. 443, 476.]

Sir *R. Peel:* Mr. Greene, I feel that I shall only be weakening the effect of that unanimous feeling of public approbation of the character and conduct, and of the public services of Sir H. Pottinger, which was expressed by the House on a preceding night, if I were now to repeat the general panegyric which was then passed on that gallant gentleman, not only by every one who spoke, but which was assented to by all who were present. There are some occasions on which the repetition of panegyric is calculated only to weaken it. Therefore I shall abstain, feeling this to be one of those occasions, from dwelling upon the merits of an officer which are universally admitted to be great, and deserving of peculiar reward. In accordance, therefore, with Her Majesty's most gracious Message, I have to move that Her Majesty be enabled to grant to Sir H. Pottinger the sum of 1,500*l.* per annum. I propose that this grant shall have a retrospective effect, commencing with the day on which he ceased to receive full pay as Her Majesty's Plenipotentiary in China. I propose, also, that this pension of 1,500*l.* per annum shall continue to exist during the life of Sir H. Pottinger, without qualification of distinction, in case he should hereafter be employed in the public service. I propose it as a mark of public acknowledgment of the past services which Sir H. Pottinger has actually rendered, and, in the event of that which I trust we shall all live to witness—the employment of Sir H. Pottinger in the public service—it shall not disentitle him to the continued receipt of this pension as the reward of his past services.

Mr. *Williams* expressed his belief that a better mode of rewarding Sir Henry Pottinger might have been devised—namely, by giving him some high employment in the public service, for which he would receive an adequate emolument. By that means the double purpose of rewarding a deserving officer, and of economising the public money, would have been secured. But that was a course which the Government did not seem disposed to follow, in rewarding public officers. They were about to give 1,500*l.* to Sir Henry Pottinger; but what had they done for Sir W. Parker, whose ability and scientific skill had led to our successes in China? They had rewarded him with only 300*l.* a year; and that not for a single service, but for a long continued series of services. True, Sir Hugh Gough had been raised to the post of Commander-in-Chief; and that was the way in which Sir Henry Pottinger ought to have been rewarded. He thought this grant a bad precedent.

Sir *George Staunton* having been absent when the subject was before the House on the former evening, was anxious to take that opportunity of expressing his cordial concurrence in the Motion before the House. He concurred with the hon. Member who had just sat down as to the importance of the services rendered by the naval and military forces in the Chinese war; but still he very much doubted whether, without the skill and judgment exhibited by Sir Henry Pottinger, these services would have led to the speedy and important conclusion which had been put to the war. He was anxious to express his entire concurrence in what the right hon. Baronet at the head of Her Majesty's Government had said respecting the gentleman that had been appointed to succeed Sir Henry Pottinger in China. He considered the appointment of Mr. Davis a most excellent one. From the peculiar position of this country with regard to China, it was necessary that a gentleman, not only of talents but of experience, should be placed over the new Colony in that quarter; and he regarded it as a proof of the fitness of Mr. Davis for the post to which he had been promoted, that the Colony had progressed very favourably since his arrival there, and that perfect harmony and good understanding had been maintained with the Chinese authorities. He had only to add that he considered the present Motion one which conferred great honour on Her Majesty's Government.

Sir *Robert Peel* said, the sentiments which he had expressed on the former evening when the subject was before the House, were in perfect accordance with the opinion put forward by the hon. Member for Coventry (Mr. Williams), that the patronage of the Crown, particularly in appointments to high offices of trust, should be employed in conferring emoluments on those whom circumstances had enabled to render important public services. Therefore the principle contended for by the hon. Gentleman was one which he fully admitted; at the same time that he thought the sense of the House fully justified the course which had been taken in the present instance. It should not be forgotten that there were

peculiar circumstances attending the case of Sir Henry Pottinger. That gentleman entered the public service at a very early age—he believed at sixteen—and, with the exception of a short period of about a year and a half, during which he had been absent on leave, he had been engaged in active duties for upwards of forty years. It was but fair, after a public life of nearly half a century, at least of upwards of forty years, that even though he did not ask for it, the State should grant him some remuneration, and that the country should be saved from the discredit of allowing him to remain in poverty. The hon. Member would remember that Sir Henry Pottinger might have aspired to a high place in the Council of India; but the Crown sent him on a peculiar service, not in connexion with the East India Company, but immediately connected with the Crown. He was therefore entitled to consideration, not only for the service which he had performed, but also for having been taken out of the employment of the East India Company. The hon. Member had referred to the distinguished services of the Army and Navy; but it should not be forgotten that since these services had been performed, the commandership-in-chief of India fell vacant, and the Government at once appointed Sir Hugh Gough, the officer who commanded the army in China, to the situation. Again, immediately after Sir William Parker returned to this country from China, a vacancy occurred in the command of the fleet in the Mediterranean, and the Government appointed that officer to it. A vacancy had also occurred, since the termination of the war, in the Council in India. It was, he believed, a military situation, and General Pollock had been selected for it. He thought these facts served to show that it was not likely, when great offices of trust, accompanied by considerable emoluments, became vacant, they would be conferred by the Government without reference to former public services. With respect to Sir Henry Pottinger, it would be rather hard if, after forty years service, the only hope of a reward to which he could have to look was to be some situation in distant countries, where considerations of health would be likely to render him less useful than he otherwise might be. After this explanation, he hoped the hon. Member would allow the Vote to pass in a manner in which it must prove most acceptable in the eyes of Sir Henry Pottinger.

Viscount *Palmerston* would give his most hearty and cordial support to the Vote before the House. He considered the circumstances under which it was brought forward perfectly satisfactory. He thought the grant was highly to be recommended, even on the ground of economy; for there could be no greater economy practised than rewarding public services in a proper manner. In supporting the Vote he could not at all concur in the hope which the hon. Member had expressed, that it would not serve as a precedent to lead to future grants. He should, on the contrary, be delighted to find that it became a precedent, and led to bestowing equal rewards for services of equal importance. He trusted that when great services were rendered to the country, the House of Commons would be found, as it was now, assisting the Crown in marking its approbation of those services. He could not forget how much the operations of the army and navy had contributed to their successes in China. He quite concurred in all that had been said in praise of these services; and he thought it quite impossible that any ability of negotiation, such as that shown by Sir Henry Pottinger, could have been successful, if the way had not been opened for him by the able proceedings of Sir Hugh Gough and Sir William Parker. He recollected a very remarkable expression which had been used by Lord Grenville, soon after the conclusion of the war. Adverting to the great military successes of the Duke of Wellington, he said, that it was remarkable that when he spoke to that commander of the great victories which he had achieved, the reply was, that they were due to the valour, the discipline, and the courage of the troops; and that when he spoke to the officers on the same subject, they said the victories were due to the great skill and ability of their commander. In the same manner it might be said of the Chinese war, that the negotiations were rendered feasible by the skill and bravery of the naval and military forces; but that that skill and bravery would have been insufficient for the purpose if there had not been one, like Sir Henry Pottinger, to take advantage of the successes which the naval and military forces achieved. He entertained no apprehension but that, when an oppor-

tunity offered for great public trust, Sir Henry Pottinger would not be overlooked; for no matter what private favour or party consideration might suggest in the selection of persons to fill important posts, yet in great responsible situations every Government would endeavour to choose only the best and ablest men that could be found for the purpose. He, therefore, felt perfect confidence that the right hon. Baronet, or whoever else might have the direction of the affairs of this country, would feel that he was doing himself a most useful service, as well as conferring a valuable benefit on the country, by selecting Sir Henry Pottinger for any office worthy of him, and which he might be qualified to fulfil. The noble Lord concluded by repeating his gratification at the Vote being brought forward.

Mr. *Hume* intended to trespass only for a very few moments on the time of the House. He was extremely anxious, in consequence of what had fallen from his hon. Friend (Mr. Williams), to offer a few remarks. The noble Lord who had just sat down had stated, that the present Vote met with the concurrence of the House of Commons; and he (Mr. Hume) believed he could safely say, that it had also the approbation of the public generally. He could tell his hon. Friend, that during the many years in which he (Mr. Hume) had a seat in that House, there was, perhaps, no man who had done more to reduce pensions than he had, but he never expressed an opinion otherwise than this: namely, that while he was anxious to take from the Crown the privilege of granting pensions at its discretion, he also declared at all times, that whenever an occasion might occur in which a pension was deserved, the Government might with confidence appeal to the Representatives of the people in that House on behalf of any individual whose merits would be known, and whose claims would be generally admitted. He admitted the great services of the naval and military forces. He would even go so far as to say that he did not think there was any occurrence in the naval history of this country so highly honourable and creditable to the individuals concerned in it as the events of the Chinese war. But, he would ask, was there no credit to be given to the man who had the talent of seizing upon the proper opportunity, and turning it to a successful result? If there were anything which could increase the satisfaction with which he would vote for the present grant, it would be to see the grant bear date from the day on which Sir Henry Pottinger had signed the Treaty of Peace with China. That was the only alteration which he would wish to suggest, after the very handsome manner in which the Vote had been brought forward by the right hon. Baronet.

Vote agreed to.

House resumed.

BANKING (IRELAND).] The Order of the Day for the Third Reading of the Banking (Ireland) Bill was read.

Sir *R. Peel* observed, that the House was already aware of the two important alterations which had been made in the Bill since it had been in Committee—namely, the alterations with respect to the period for taking the averages, and that with regard to the account of specie. He trusted, therefore, that any objections which might be entertained to the measure would thus be materially diminished.

Bill read a third time.

Mr. *Smith O'Brien* rose to bring forward the Amendment of which he had given notice, for securing the interests of the Hibernian and the Royal banks. He said he was fully aware that there was no use in offering any opposition to the Bill at the present stage, but he was anxious not to let it pass the third reading without offering a protest against some of its provisions. The Hibernian and the Royal banks had sustained for several years, and with very great advantage to the public, a competition with the Bank of Ireland, and he thought under such circumstances that it was very hard their interests should be sacrificed by the Bill, while those of other joint-stock banks were promoted. He would not trespass on the time of the House, but would simply confine himself to proposing the clause of which he had given notice. It was supported, not by his individual voice alone, but by the countenance of a very large proportion of the population of Ireland. The clause had been prepared by the agents of the Hibernian Bank, and would, he believed, meet all the objects which the Government had in view, while it protected the interests of the banks. The clause was as follows:—

"Be it Enacted, That it shall be lawful for

any Bank now existing in Ireland, and which was not a Bank of Issue on the 6th day of May, 1844, to invest in the Government Three and a Quarter per Cent. Stock any sum whatsoever, and transfer the same to the Commissioners for the Reduction of the National Debt, or such other persons as the Lords of Her Majesty's Treasury, by warrant under their hands and seals, shall direct, to accept of such Transfer: and, thereupon, the said Commissioners for the Reduction of the National Debt, or such other persons, shall issue a Certificate to such Bank of the amount of Stock so transferred, and thereupon it shall and may be lawful for such Bank to issue their own Promissory Notes payable to bearer on demand, to the amount of such Stock so transferred: Provided always, that there shall not be a sum less than 50,000*l.* of such Stock so transferred at any one time."

Mr. *O'Connell* rose for the purpose of seconding the Motion for the insertion of the clause, and in doing so he thought he might as well take advantage of the opportunity to address the few words to the House which he wished for the present to offer on the subject of that Bill. The right hon. Baronet had observed that he thought the two alterations which had been made in the Bill would give satisfaction. He was afraid the right hon. Gentleman was mistaken in that belief. There would still remain several branches, to the number of twenty or thirty, in every one of which it would be necessary to maintain a supply of specie on which no notes could be issued. He would ask the House to compare Scotland with Ireland in that respect. In Scotland, all the gold that a bank possessed could be represented by notes, while in Ireland the contrary was the fact. It was true that in Scotland they had no branch banks; but the difference between the countries would act most injuriously for Ireland. In Scotland the banks would have the advantage of being able to issue a note for every sovereign in their possession; whereas in Ireland, the banks would be allowed to issue notes for only one-fourth of the gold which they would be obliged to keep by them. The difference would be at once felt to be an advantage to the Scotch banks, which the Irish banks could not enjoy. Then again, with respect to the averages. Something would certainly be gained by the alteration as to the time for taking the averages, to which the right hon. Baronet had alluded; but he would ask, ought they to adhere strictly to the averages of former years? Would they read the Report of Lord Devon's Commission? They would find that 4,500,000 of the inhabitants of Ireland were in a state of distress—that they were ill-fed, ill-clothed, badly lodged—and having bad beds; that their food was potatoes, their drink, water, their houses in ruins; and that a blanket was to them a luxury; that they were, in a word, the most miserable population in Europe. These were not his words; but they were the words of Lord Devon's Report. The right hon. Baronet did not desire that Ireland should remain so. He would go further, and admit, of course, that the right hon. Baronet had a strong desire to alter that state of things; but if he recollected that the prosperity of the country was very much aided by banking facilities—instead of restricting—he ought to endeavour to increase the currency. He should recollect that any advance of the currency, was an advance of the interests of the country, and on both these grounds he ought to have treated Ireland in a far different manner from that insured by the present Bill. Nobody owed money to Ireland. On the contrary, five or six millions of the value of the produce of Ireland was annually transported from the country to pay the rents of absentees; and, therefore, the dearer they made the medium in which they had to pay that amount, the heavier would the debt become upon the country. Instead of being anxious to restrict the circulation, they ought, if they wished to improve the condition of the country, to extend the circulation as far as the public safety would allow. All that the people of Ireland were anxious for, was to get rid of the monopoly of the Bank of Ireland. They did not understand when a number of partners in a bank, up to six, might issue notes within fifty miles of Dublin, why there should be a different system adopted when the partners were extended to 300, or 400, or 500. In the one instance there was a possibility of loss through the Bank, in the other there was none. They had a monopoly against banks from which there could not by possibility be any loss; while they ceased to have a monopoly against that kind of banking which might and which actually did create very severe losses. It was then too late to enter further into any opposition to the Bill; and he had to apologize to the House for trespassing upon their time, but he wished to

put upon record his humble opinion on the subject. He was old enough to remember the former currency Bill, which had been called after the right hon. Baronet; and he recollected that that Bill had created more mischief in the country than had been effected by the French Revolution in France. It caused more social injury, it ruined more families, and brought more destruction on individuals, than any revolution that ever occurred. That ruin had gone by—but what were they now doing? They were limiting the currency. In fact, the very restriction of the 30*s.* notes would, in itself, go to limit the currency. He would venture to say, from his knowledge of Ireland, that by enhancing the currency, they would diminish the price of every article produced in the country, and they would bring great dissatisfaction in the minds of those who had, at present, the least desire to be dissatisfied with the Government. He would not trespass further on the House, but would conclude by giving his support to the Amendment.

Sir *R. Peel* believed that the permanent benefit of Ireland depended much more on the stability of the banking system, than upon any amount of circulation. The hon. Gentleman alluded to the poverty of Ireland; now, he (Sir R. Peel) had seen the same state of things in Ireland when there was most extensive paper circulation, upon which there was no restriction. Shortly afterwards he had seen every one of those evils to which the hon. and learned Gentleman had alluded; and when the time arrived, as was always the case with a too abundant issue of paper, there was the greatest and most wide-spread misery in the west and south of Ireland, and when almost every bank failed.. He believed that upwards of fifty failed, and were unable to discharge their obligations. They had no wish to reclaim the notes; but there should be a security that they should be at once convertible into coin. He believed that the restrictions that were proposed in this Bill would not operate to prevent a sufficient circulation of notes in sound security. He believed that, after a short time, when people got confidence in the banks, it would happen, as in Scotland, where there was little disposition to change the notes.

Mr. *Trelawny* said, he should be thought presumptuous in following such an authority on such a subject; but he only did so because he was anxious to protest against the policy of this banking measure for Ireland. He did so, however, not for the reason assigned by the hon. and learned Member for Cork. viz., because it would produce misery by lowering the price of all sorts of commodities. If that were its effect, he would not certainly oppose it. He opposed it because it was an encroachment upon what he believed to be true policy on this subject—perfect freedom in banking. The right hon. Baronet had pointed to Ireland, and said that all the evils which he attributed to free trade in banking had occurred in that country. The case, he said, fully bore out his opinions. But let them observe, that the case of Ireland had coexisted with a restrictive system in England, which had doubtless affected it disadvantageously. Let Government look to the state of Scotland, the only instance in which free trade had been approximated to—and what had been its results? Why, fewer monetary disturbances had occurred there than any where else. All the right hon. Baronet's rules were framed on an experience of a period of restriction. He had never observed what had happened under perfect free trade, because it had not been completely tried. He had, undoubtedly, more knowledge on the subject than any man in England; but that circumstance was precisely his disadvantage. If he were to forget all he knew about the matter, and brought his original and vigorous understanding to the subject, free and unencumbered with the erroneous views he had contracted from the working of a state of restriction, he would have established free trade as the true remedy for the evils which the working of the currency and banking laws present. A great philosopher had said the first step in education was to unlearn; and some of them ought to begin by forgetting all they knew on banking, and the result would have been the production of a better Bill. One reason for non-interference in such matters was, the extremely complicated character of the phenomena with which legislation had to deal. What legislator had ever succeeded in producing the effects he anticipated from a banking law? And did not this show the wisdom of not meddling with what was so difficult to understand? He could not conceive why there should be any greater necessity for laws to insure the presence of gold than mutton

in the country. What would result from perfect free trade? Great companies would be formed, whose interest would compel them to keep sufficient gold in their coffers to meet the paper brought to them for payment. There would naturally be such companies, and their competition would keep down banking profits to meet the interests of shopkeepers and others. For this is the true object of banking. It is economy of gold. It is to render it unnecessary to every shopkeeper to keep a great quantity of gold in his shop. The banker takes it and trades with it, paying a per centage to the depositor, to the mutual convenience of both parties. And why this could not happen under free trade no one had ever shown. He did not know he had any other remark to offer; but he had felt it to be his duty to protest against this Bill.

Mr. *Ross* did not think that four banks for the issue of notes was sufficient; and this would be particularly felt in the province of Ulster.

Mr. *Hawes* considered that it would be highly beneficial if there was a great extension of joint-stock banks in Ireland. He did not conceive that this would necessarily be attended with an increase of paper circulation. He did not believe, however, that this measure would be attended with any serious consequences to Ireland; but still it might interfere with the formation of secure joint-stock banks. If he (Mr. Hawes) interfered with the system of banking in Ireland at all, he would endeavour, as much as possible, to assimilate it to the Scotch system of banking.

The *Chancellor of the Exchequer* thought the solvency of the banks would be better secured by not giving them the power proposed to be conferred by this clause, and he must, therefore, oppose it.

Sir *R. Peel* was fearful that if they gave too great facilities for a paper currency, they would in the end generate a tendency to get rid of a metallic currency. Let the House look at the manner in which the enormous transactions at Liverpool and Manchester were conducted; there the only bank notes in circulation were those of the Bank of England, representing sovereigns; and if these notes were abolished to-morrow, sovereigns would be used in their stead, without much inconvenience.

Clause brought up and read a first time.

The House divided on the Question that the Clause be read a second time—Ayes 24; Noes 77: Majority 53.

Mr. *S. O'Brien* moved as a second Resolution, that—

"And be it Enacted, That in the event of the said Bank stopping payment, or becoming Bankrupt, that such Stock shall be held in trust for the persons, creditors of the said Bank, who shall be holders of the said Promissory Notes of the said Bank, at the time of such stoppage of payment or failure: Provided always, that the said Bank shall be entitled to receive the half-yearly Dividends payable on the said Stock, until stoppage of payment or bankruptcy; Provided also, that the said Bank shall make Returns of their Issues of Notes as the several Banks of Issue in Ireland shall be bound to make such Returns under this Act, and that in case the issue of such Bank shall exceed, at any one time, the amount of such Stock so transferred, that such Bank shall be liable to the same penalties as the several Banks of Issue shall be liable to for their excess of Issue under the provisions of this Act; Provided also, that in case of their withdrawal of their Notes to an amount of 50,000*l.* or upwards, from circulation, then, on proving the same to the satisfaction of the said Commissioners, or the said persons so to be appointed, an equal amount of such stock shall be re-transferred to the said Bank."

Clause read a first time.

On the Question that it be read a second time,

The *Chancellor of the Exchequer* said, he could no more agree to that than to the former clause of which it was a consequence.

Motion negatived. Bill passed.

COLLEGES (IRELAND).] Sir *James Graham* moved that the Report on the Colleges (Ireland) Bill be brought up.

Mr. *Bernal Osborne* postponed the Resolution of which he had given notice, until the Motion for the third reading of the Bill, in order to afford the right hon. the Recorder of Dublin an opportunity of being present on the occasion.

Sir *James Graham* postponed the statement he had intended to give that evening with reference to this Bill, until the Motion for going into Committee upon it. That Motion would be made on Thursday next, immediately after the Enclosure Bill was disposed of. The alterations h contemplated were of considerable importance.

Mr. *Hume* objected to postponing the measure in any way. He was of opinion that the reason which had been urged for the postponement of the Bill, was a good

ground for proceeding with the Committee on Thursday next.

Mr. *Sheil* said, that the hon. Member for Kilkenny had taken for his motto, "*religio mihi nulla est.*" He appeared to think that the object of the measure was to provide secular education for the students at those Colleges; but the Government had stated that they did not look upon it in that light, and that they were anxious to give facilities for religious instruction. When the measure was at first proposed, he (Mr. Sheil) expressed a fear that on this, as on former occasions, a great mistake had been committed in not consulting the Catholic hierarchy—that was an error in policy, it was a signal error, and the consequences of it would be, he feared, most pernicious. After the introduction of the measure, a synod of the bishops took place, and a memorial was agreed to which condemned the Bill in very important particulars, but they gave the Government credit for good motives, and they referred in proof of those motives to the Maynooth Bill. Since that memorial was agreed to, the Government had been called upon to state how far they acceded to the views which had been put forward on that occasion; and the Government undertook a new consideration of some of the details, the effect of which was to produce certain alterations in the measure. The right hon. Baronet had been asked two questions on Friday by him (Mr. Sheil) with reference to this Bill. One was, whether he would consent to the appointment of Roman Catholic and Protestant chaplains, who were to be paid by the State, to attend those Colleges; and the other was, whether it was intended to propose any alteration with respect to the power of the Crown in appointing the professors. The right hon. Gentleman did not then answer those questions; but the right hon. Gentleman stated that he was prepared to answer the question, and he only postponed it as he believed it would be a more appropriate time to answer it when the Bill should be before the House on Monday (yesterday). He (Mr. Sheil) accordingly came down to the House on that evening with the full conviction that the right hon. Baronet would be prepared to afford information as to whether the Government intended to introduce any alteration with respect to those two important particulars. If the right hon. Gentleman thought that further time was required, of course he (Mr. Sheil) could not expect an answer on that occasion; but he would take that opportunity of asking whether the Government had taken advantage of the delay which had occurred to communicate to the Roman Catholic bishops the alterations which they proposed, and whether they had received the assent of the Catholic bishops to those alterations?

Mr. *Colquhoun* did not see the necessity of calling in to their aid in such a measure the opinions of any hierarchy, much less a hierarchy who had not concealed or disguised their open and avowed approval of political agitation in Ireland, and who gave powerful and efficient assistance to that agitation, as the hon. and learned Member opposite (Mr. O'Connell) could testify—a hierarchy who were pledged to an agitation, the effect of which would be to destroy the integrity of the Empire. [Mr. *O'Connell:* No.] They were the active supporters of that agitation. [An hon. *Member:* Dr. Murray was not one.] If hon. Members allowed him to proceed, they would have an opportunity of replying to him; but he would remind them that he was not then on the floor of Conciliation Hall—he was speaking to an assembly of Gentlemen; and whether he differed from them in opinion or not, he was confident they would not attempt to put him down in any other way than by replying to him. Whatever was the opinion of the Irish hierarchy with respect to this subject, he hoped the House would decide it, as it was their duty, on principles of sound policy alone. If Ministers, when they had introduced a system of secular education like this on their own responsibility, departed from it in consequence of what had taken place, he should regret it; for such a course would be calculated to raise an opposition to the Bill more formidable than any which it had yet experienced; for hon. Members near him had stated that the Catholic hierarchy were not the advocates of Repeal agitation; but if he asked the hon. and learned Member opposite (Mr. O'Connell) whether such was the case, he would no doubt answer in the affirmative. Was the hon. Member near him aware that a Catholic archbishop could deprive a priest of his functions, if he disapproved of the course which he took? If such were the case, how, then, could the hon. Member say that the Ro-

man Catholic bishops in Ireland were not favourable to agitation?

Mr. *O'Connell:* I don't mean to agitate the question of Repeal on this occasion; and I will, therefere, only say that the hon. Gentleman who has just sat down is a very bad theologian—an exceedingly bad theologian—and being so very bad, it would be well worth his while to inquire a little into the facts before he makes statements on such subjects as that of which he has just been speaking. No Catholic bishop in Ireland could deprive a priest of his functions after a formal induction, or a triennial possession. The hon. Member for Montrose has spoken of the interference of the Catholic bishops, as if they wished to interfere with a system of education for Protestants, but they have done no such thing. I should be happy to hear of Protestant bishops interfering to secure religious education of Protestant children—of Presbyterian clergymen interfering to secure the religious education of Presbyterian children; and I claim the same right for the Catholics; namely, that the Catholic bishops shall be permitted to take care of the religious education of the Catholic children. I thank the right hon. Baronet opposite (Sir R. Inglis) for the admirable description which he gave of this measure when he called it "a gigantic scheme of godless education;" and as regards the alleged success of the system on the Continent, so far am I from assenting to that allegation, that I think nothing can be more unsuccessful than the efforts of those who seek to exclude from education religion, which should be the basis of it. I believe that religion ought to be the basis of education; and I came over from Ireland for no other purpose than humbly to represent the necessity of making religion the basis of education, to establish it not only as a part, but an essential part of it. I sincerely hope and desire that the discussion of this subject will be carried on with good temper and good feeling, and that we shall not imitate the hon. Member opposite (Mr. Colquhoun) in adopting such a tone, and making unfounded assertions of others who are absent. He boasted two or three times that he was a gentleman, and I think it would be far more consistent with the character of a gentleman if he had acted with more courtesy towards the Catholic bishops. He says that he is not in Conciliation Hall. He is not, it is true, and I should like to know what business he could have in Conciliation Hall, or any conciliation assembly. I must again express a hope that the discussion of this measure will be conducted with perfect courtesy and good humour, and I can pledge myself that such will be the case so far as I am concerned.

Sir *J. Graham* agreed with the last observation of the hon. and learned Member. He hoped they would discuss the Bill with perfect good temper. It was far from the intention of the Government to interfere with the Roman Catholic religion. The hon. Member for Newcastle said that it would be unworthy of the House to commit the sole discussion of this Bill to any body of prelates, however respectable. To that feeling he subscribed; but, at the same time, he must observe that the Irish Protestants had ample provision made for them in Trinity College, and that the present measure must be deeply and peculiarly interesting to the Roman Catholic prelates. It was a question touching a large portion of the Roman Catholic population, and he was prepared to declare that he did think the opinions of the ministers of the Roman Catholic Church ought to be received with respect; he did not say with humble deference, but at all events with respectful attention. In answer to the question of the right hon. Gentleman the Member for Dungarvon, he had to say that the Lord Lieutenant of Ireland did receive from the Roman Catholic prelates a written memorial, and that in addition to that written memorial the Lord Lieutenant had the honour of receiving a deputation. The Lord Lieutenant conferred with those prelates: he entered largely into the subject, and he had reason to hope that some of their objections were mitigated by the explanations he had given. The consequence of that conference was, the Amendments which he had laid on the Table of the House. Since that no further direct intercourse had taken place between the Lord Lieutenant and the prelates. With respect to further alterations, he would not say, and it would not be fitting to say, that they had been submitted to the Roman Catholic prelates. The plan which had been submitted by the Government was a plan for collegiate education, from which religious instruction was excluded within the walls; whilst, at the same time, every facility was given to that religious instruction out of the walls

with the aid of private endowment. There would be ample opportunities of discussing the details in Committee, and there should be full time given before the third reading for the opinion of Ireland to be given upon them. He would not propose the third reading till after a reasonable time; but considering the period of the Session, and considering that he and his Colleagues attached great importance to the measure and to its becoming law in the present Session, he hoped he would not betray undue haste if he did not postpone the further progress of this Bill beyond Thursday.

Mr. *Wyse* had not understood that religious instruction was to be excluded from these Colleges; but that every facility should be given to individuals to endow chairs of religion in the Colleges.

Sir *J. Graham* said, it was the intention of the Government to adhere to the 15th Clause of the Bill, which gave facilities for lectures out of private endowments within the walls of the Colleges, subject to the control of the governing body and the approval of the Crown, but with no endowment from the State.

Mr. *O'Connell:* If they had not religious instruction, the instruction would be worth nothing whatever.

Sir *W. James* observed, that whether Dr. Murray was a Repealer or not, he had always abstained from violent political agitation; and he would ever speak of such conduct in a clergyman of any communion with sincere, hearty, and unfeigned respect. But he could understand, and to a certain extent sympathize with the objections of the Roman Catholic prelates, because pursuits of a purely literary and scientific character might alienate the mind from those subjects which addressed the heart rather than the intellect. The Bill, too, had been unwisely named; it was properly a Bill for providing literary and scientific institutions. It did not profess to give education, and it certainly was not collegiate; it supposed that religious instruction was given elsewhere. Still he should be glad to see the Bill assume more of a religious character. Unhappily, our lot was cast in days when every theologian must become a politician, and every politician a theologian.

Sir *D. Norreys* thought there was an end to all hope of mixed education if the opinion of the Roman Catholic bishops was to be received as decisive by the laity.

Mr. *Roche* observed, that this incidental discussion had better terminate; it was for the interest of all to come to an agreement on the question.

Mr. *A. J. B. Hope* thought the statement of the right hon. Baronet might as well have been made to-night, and then the House would have come to the discussion on Thursday prepared.

The Amendments proposed by Sir J. Graham were then read a second time. The Report of the Resolution (for a grant out of the Consolidated Fund) was received, and the Committee on the Bill was appointed for Thursday.

Adjourned at half-past ten o'clock.

HOUSE OF LORDS,

Tuesday, June 17, 1845.

MINUTES.] *Sat First.*—The Lord Fisherwick, after the Death of his Father.

BILLS. *Public.—Reported.*—Schoolmasters (Scotland).

3°. and passed: — Death by Accident Compensation; Deodands Abolition; Canal Companies Tolls; Canal Companies Carriers.

Private.—1ª North British Insurance Company; Battersea Poor; Glasgow, Garnkirk, and Coatbridge Railway; Shaw's Waterworks.

2ª. Heaviside's Divorce; Bridgewater, Duke of, Trustees Estate; Chelsea Improvement; Brighton, Lewes, and Hastings Railway (Keymer Branch); Belfast and Ballymena Railway; Yoker Road; Lord Barrington's Estate.

Reported.—White's Charity Estate (Herbert's); Bedford and London Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Berks and Hants Railway; Lowestoft Railway and Harbour; Blackburn, Darwen, and Bolton Railway; Yarmouth and Norwich Railway; Castle Hill (Wexford) Docks; Newcastle-upon-Tyne (Tynemouth Extension) Railway; Dundee and Perth Railway; Aberdeen Railway; Quinborowe Borough; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church.

3ª. and passed:—Dunstable and Birmingham and London Railway; York and Scarborough Railway Deviation; Leicester Freemen's Allotments; Lady Sandy's (Turner's) Estate.

PETITIONS PRESENTED. By the Marquess of Normanby, from Liverpool, for Inquiry into the Sanatory Condition of the Tailoring Trade.—By the Marquess of Normanby, from John Liddle, Medical Officer of Whitechapel Union, relating to the Unhealthy Condition of many parts of that neighbourhood, and for the Appointment of a District Officer of Health.—By the Duke of Buccleuch, from Bradford, Coventry, and Edinburgh, for the Adoption of Sanatory Regulations in Populous Districts.—By Lord Redesdale, from Hinckley, and 2 other places, against the Increase of Grant to the College of Maynooth.—By Lord Stanley, from Provincial Parliament, for Protection and Extension of Privileges to Vessels employed in Navigating the Inland Waters of the Province of Canada.—From Macroom, for Protection to Rights of Agricultural Labourers (Ireland).—From Landowners of Crossgar, for Protection to Rights of Tenants (Ireland).—From Protestant Clergy, and from the Inhabitants of several places, in Ireland, for Encouragement to Schools in connexion with Church Education Society.

THE CHURCH EDUCATION SOCIETY (IRELAND).] The Bishop of *Cashel* presented a petition, signed by 1,360 clergy-

men of the Established Church, praying aid to the schools in connexion with the Church of Ireland. He was enabled to say, from direct and positive information, that the opinion entertained by the clergy of Ireland was adverse to the plan of the national schools, especially as some of them were now conducted; in many of them the use of the Scriptures was excluded to please the priests. The Roman Catholics, as was well known, held that the Scriptures alone could not be safely circulated among the people; whereas the Protestants held the very contrary doctrine, that they alone were sufficient, without note or comment, for religious instruction. The clergy of Ireland, therefore, upon principle, objected to any plan or system which did not enforce the use of the Scriptures; for they felt they could not be parties to refusing to children an opportunity of becoming acquainted with the Word of God. He regretted to be obliged to call their Lordships' attention to details so painful; but he held in his hands letters which showed that parents were threatened with excommunication for sending their children to schools where the Bible was taught. On the 8th of January last, a Roman Catholic clergyman, named Stratt, wrote to a most respectable gentleman in the county of Waterford, named Smith, who had established a school for his tenants, stating that he was instructed by his bishop to excommunicate those Catholics who attended his schools where the Scriptures were taught. When those schools were first established, Extracts from the Scriptures were used, but now those were thrown side; and even that was a matter which he thought means ought to be taken to remedy. The Rev. Mr. Woodward, in a pamphlet he had published on the subject of the National Schools, contended that the mixed education given under the National Board was most injurious to Protestants. The Rev. Mr. Mackesy, whom he had been accused of censuring for his opposition to the Church Education Society, wrote, on the 30th of May, 1843, to the Rector of Monksland, a parish containing a large Protestant population, and where he was then doing temporary duty, in these terms:—

"There are a great many Protestant children attending the national schools; and, as far as I can learn, no sufficient care has been taken by any person on the part of these children, that the rules of the Board, particularly as to religious instruction, shall be strictly enforced; and I find that the Protestant children are present, when the Roman Catholic children are instructed in the catechism of their Church."

This was one of the dangers he (the Bishop of Cashel) had anticipated from the system of national education. Mr. Mackesy proceeded to say—

"I am favourable to the national system so far as this, that I consider it the next best thing where it is impossible to establish a scriptural school."

These were precisely the sentiments he (the Bishop of Cashel) entertained. Mr. Mackesy further said—

"I have acted upon this principle in my own parish; but it appears to me that a school under the Church Education Society might be established with great benefit in the parish of Monksland."

Mr. Mackesy had further written to him, that the establishment of scriptural schools was not only desirable, but necessary. There were a great number of English children there belonging to miners brought from Cornwall, thirty of whom asked for the establishment of a scriptural school. He wrote to Mr. Osborne, on whose estate they had settled, asking for ground for a school, and offering any purchase money he chose to ask; but that gentleman refused, thereby showing, that those who talked of civil and religious liberty, were not remarkable for their liberality to those who were working the mines on their estates, and thereby increasing their income. He (the Bishop of Cashel) considered that scriptural schools ought to be established for the Protestants of Ireland. Mr. O'Connell had lately expressed himself in the strongest terms against anything in the shape of united education; and in an extraordinary paper put forward by the Roman Catholic bishops, they had demanded that the professors of several branches of education in the proposed academical institutions should be Roman Catholics, urging, that if their request were not complied with, Roman Catholics educated in those institutions would be exposed to great danger. He (the Bishop of Cashel) would venture to say, that the nearest approach to united education was, that given by the Church Education Society. That society possessed 1,800 schools, containing 100,000 scholars, of whom 33,000 were Roman

Catholics. He believed, that so imperfect was the working of the mixed system of education in Ireland, that in schools attended by a large number of Roman Catholics, there was a very small attendance of Protestants. He would give another case. To show the objections entertained to this system, he might mention, that in those places where the majority of the children were Protestants, few Roman Catholics attended; and in those places where the majority were Roman Catholics, few Protestant children attended. In the town of Cloghjordan, the Rev. Mr. French, a most pious and exemplary clergyman, established a school of which the majority of the pupils were Protestants. Only three Roman Catholic children attended at this school. At the circumstance of the attendance of those Roman Catholic pupils, the Roman Catholic priest of the parish took offence, and denounced the schoolmaster from the altar. The consequence was, that before the following Sunday the schoolmaster was murdered in the streets of Cloghjordan. There were, for instance, in the diocese of Meath, schools under the National Board containing 500 children, without a single Protestant scholar; so that the National Society was actually carrying out a species of separate education. But there was another ground on which he thought that the prayer of the petitioners ought to be considered. It appeared from the Report of the Census Commissioners in 1841, that from 1831 to 1841—during the period the National Board had been in existence—ignorance had been increasing in Ireland, while, on the other hand, education had been diminishing. In page 36 of that Report, he found a statement of the comparative number of persons in Ireland possessing the advantages of education from 1741 to 1841. It appeared, that in 1741 the proportion of the population of Ireland who could neither read nor write, was 63 per cent. He would not trouble their Lordships by going through the whole period between that time and the present; but he might state that in 1830 the proportion of the population who could not read or write diminished to 35 per cent.; but in 1835 it had risen to 42 per cent.; and in 1841 it was as high as 76 per cent. He found another return at page 39 of the Report of the Census Commissioners, from which it appeared, that in 1821, the number of young people receiving education in Ireland was 394,000; in 1824 it had increased to 509,000; in 1831 it was 684,000; and in 1841 it had fallen to 502,000. These facts showed that the effect of the National Board, which was maintained at an expense of 70,000*l.* a year, was to increase the amount of ignorance in Ireland. The National Education Society in Ireland had, in fact, put an end to all other educational institutions—such as the Kildare Place Society, the London Hibernian Society, and the Schools for discountenancing Vice. The national system was now, therefore, the only educational system existing in Ireland, except the Church Education Society, which afforded education to 100,000 children. Although the National Society had done a great deal, it had done more in destroying other societies, than in building up itself. He considered that the facts he had mentioned, showed most satisfactorily, on authorized statements, that since the establishment of the national system of education in Ireland, ignorance had been on the increase, and education on the decrease. It might be considered that one reason for supporting the national system was, lest, by adopting any other plan, they might offend the Roman Catholics by supporting Protestant education. He had reason to know, however, that the Roman Catholics of Ireland would not be annoyed by the establishment of scriptural schools. To show the non-existence of this feeling, he would mention what had lately occurred in the town of Cashel. In a suit which had been lately gained by the Corporation of Cashel, in which a considerable amount of property was gained by the town Commissioners (so we understood), a sum of 200*l.* a year was appropriated by the Chancellor of Ireland for the education of the poor of the town. At a public meeting, at Cashel, a Roman Catholic shoemaker proposed a resolution to this effect:—

"We approve of a grant of 200*l.* a year for the purposes of education, provided it be confined to the poorer classes; and, as the Protestants have applied for a grant for education, we approve of a grant of 30*l.* from that sum being given to the Protestant minister, for the support of the school under his care."

That grant of 30*l.* a year was now received by the Protestant school in Cashel. The true mode of carrying out the 14th

Report, and the Appendix to that Report, was to keep up the national schools, along with the parochial schools, under the superintendence of the parochial clergy. He hoped that Her Majesty's Government would give their serious consideration to this subject, which he had been desirous of bringing forward on the part of 1,700 of the Protestant clergy of Ireland.

The Earl of *St. Germans,* although no longer officially connected with Ireland, yet felt that the occasion was one on which he might be excused for making a few observations on the right rev. Prelate's speech, and on the petition which he had presented. He thought that the right rev. Prelate had entirely failed to explain the nature of the alterations in the national system of education which he called upon their Lordships to adopt. He believed, however, that the right rev. Prelate wished to give to the Church Education Society a grant of money proportionate to the number of scholars which it was instrumental in instructing. Now, what would be the effect of such a step? In England, the grant voted for education was divided among several societies, there being no Government bound to superintend its application. But in Ireland the case was different; and Parliament, in voting money to the Church Education Society, would be erecting, by the side of their own admitted officers, an irresponsible board, over which Parliament would have no control. The right rev. Prelate had commented on the constitution of the present Board of National Education; but he would ask him to remember that, as the money which it was called upon to distribute was derived from persons holding different religious opinions, it was but fair that the Board should be so constituted as to represent these different religious opinions. With respect to what had been said as to reading of the Bible in the national schools, he must say that the right rev. Prelate had misrepresented the practice. Religious instruction was so arranged in these schools as to be given only when the children of parents who objected to their being present, would have an opportunity of withdrawing. The Church Education Society, however, were not very consistent in the objections they brought against the National Board; for, in a sermon preached by the late Bishop of Down and Connor—a distinguished advocate of the Church Education Society—it was represented as contrary to the principles of the Established Church to permit the reading of the Scriptures without note or comment. That sermon had been dedicated to, and printed with the approbation of, the Church Education Society, and might, therefore, be taken as declaratory of their principles. But that Society also permitted children not belonging to their communion to withdraw when religious education was being communicated. This was treating the Liturgy and Catechism with the same disrespect which the Society charged upon the National Board in reference to the sacred Scriptures. The right rev. Prelate had dwelt a good deal on the number of Roman Catholic children who received instruction at the schools of the Church Education Society; but the House should recollect, that when Roman Catholic parents sent their children to schools where the Scriptures were read without note or comment, they were violating the laws which enjoined obedience to their priests; and he did not think any system of instruction much calculated to benefit children, when they were taught at the same time to regard that system as involving a violation of their duty. Let him remind them, too, that the Presbyterians of the north of Ireland—who were certainly as much inclined to respect the Bible as any sect of religionists could be, and who were, therefore, quite as likely to object on such a ground, if it were valid, as the Established Church—admitted that religious freedom, as to scripture reading, was well provided for by the rules of the national schools. Let them not forget, either, that there were 940 of these schools in which the Scriptures were read, and 1340 in which the Extracts were made use of. The Rev. Mr. Woodward, a distinguished clergyman of the Established Church, had been referred to by the right rev. Prelate. Mr. Woodward had lately written a pamphlet, in which pamphlet he said—

"If education is to be provided for the whole people, and that education is not to be a separate education, I cannot conceive a more unexceptionable and liberal system than that provided by the Board. There the Bible, the whole Bible, and nothing but the Bible, is given to those who are willing to accept it, and secular instruction is afforded to all alike."

He afterwards said—

"Were the clergy examined one by one, it would be found that the great body of them have thought little on the subject for them-

selves, but have followed the lead of a few who are used to dictate on such matters. Many are in heart inclined to give in their adhesion to the system, but are afraid to appear to desert their friends."

The Dean of Ferns (the Rev. Dr. Newland), who had been formerly opposed to the Board, now approved of it; and the Rev. Daniel Bagot, vicar-general of the diocese of Newry, one of the most distinguished scholars of Trinity College, had, after visiting several of the schools in which a mixed education was given, borne testimony to the practical utility of the system. At one of them, where the numbers of Protestant and Catholic children were nearly equal, he was surprised at the clear and satisfactory answers of the Roman Catholic children. At another, he examined a large class of Roman Catholic children; and they gave most satisfactory answers, so as to show that they had a general acquaintance with all the essential points of our religion—both Protestants and Catholics acquiring a good religious education together. At a third school, where there were fifty scholars of all denominations, some of the Roman Catholic children were amongst the best answerers upon religious points. If the national system had failed as one of united education—if it had partially failed—although he would not even admit that that was the case—the result must be attributed to the opposition of the clergy of the Established Church and a large body of the landowners, who ought rather, and certainly might have aided in contributing to its success. The fault, if fault there were, was not in the system, but in those who tried to retard, instead of aiding, to develop it. With reference to what had been stated by the right rev. Prelate as to the duty of Mr. Mackesy to keep a school in his parish, he (the Earl of St. Germans) wished their Lordships to know, that the obligation referred to was imposed by a Statute of Henry VIII.; the ninth section of which provided, that promotion was only to be given to such persons as could speak English; and that the archbishop should administer an oath to the person promoted, that he would endeavour to teach the English tongue, and likewise, that he should repeat the beads in the English tongue. Now, if this repeating of the beads in the English tongue were a part of the administration of the Established Church, then, of course, it might apply to Mr. Mackesy; but he (the Earl of St. Germans) was inclined to think that the right rev. Prelate would hardly admit that to be the case. It was hardly worth while to advert to the extraordinary statement made by the right rev. Prelate, as to the Return furnished by the Census Commissioners. He could not conceive the idea of any man believing, with the right rev. Prelate, that ignorance was more extended and dense in Ireland now than it had been ten years ago. He (Lord St. Germans) thought that, when, according to the Return of the Census Commission, there were upwards of 3,000 schools, and nearly 400,000 children; and when the right rev. Prelate himself had declared that 100,000 children were educated in the schools of the Church Education Society, it was a most extraordinary proposition on the part of the right rev. Prelate, that ignorance had been increasing within the last ten years. He (the Earl of St. Germans) had watched anxiously and narrowly the effect of the system pursued by the National Board; and, being convinced of the benefits it had conferred upon the Irish people, he implored their Lordships to pause before they assented to such a proposition as that suggested by the right rev. Prelate, the adoption of which would necessarily lead to the dissolution of that Board; as neither the clergy of the Protestant Church, nor the clergy of the Church of Rome in Ireland, would consent to remain members of the Board, if the Government placed itself in immediate connexion with another Board established in direct hostility to it. They might depend upon it that it would not be satisfactory to the Romon Catholics, if a grant for educational purposes were made in favour of the Established Church, without putting the Roman Catholic Church upon the same footing; and upon these grounds he should give his most strenuous opposition to the proposition of the right rev. Prelate.

The Marquess of *Normanby* felt that it was quite unnecessary for him, after what had been said by the noble Earl, to add his testimony to the good working of the national system of education in Ireland. In reference to the case of the Rev. Mr. Mackesy, he thought the right rev. Prelate had exhibited some want of candour in charging him with inconsistency, on the authority of a letter written two years ago, while that gentleman had temporarily the charge of the parish of Monksland, without having given him any opportunity for explanation; more especially

as the right rev. Prelate now admitted that, next to the Church educational schools, the national system was the best. The right rev. Prelate said, he was supposed to have admonished the Rev. Mr. Mackesy on account of his connexion with the National Board. But what was the impression produced by the charge of the right rev. Prelate in regard to that gentleman, upon those who were present at the time it was delivered? He held in his hand a letter written by the Rev. Mr. Brown, who heard the charge delivered; and he stated that "the Bishop of Cashel spoke in strong terms against the national system, and called it, as well as he remembered, the 'devil's work.'" He had also other letters to the same effect; and if that was the understanding of those who heard that charge, they would be surprised now to hear the right rev. Prelate declare that, next to the Church educational schools, the national system was the best. With respect to Dr. Henry, he (the Marquess of Normanby) had, since the previous discussion, communicated with that gentleman, and he was enabled, from the reply he had received, to assure the right rev. Prelate that he was mistaken, when he supposed that his schools were attended exclusively by the children of one religious sect.

The Earl of *Wicklow* thought that a matter so trifling as that of the consistency of this gentleman or that of the right rev. Prelate, should not be permitted to occupy so much of their Lordships' time. But there was one accusation which had been made against his right rev. Friend, in reference to the charge in question, in support of which not a shadow of proof had been adduced, and which, in the absence of such proof, he could only regard as an unmitigated falsehood. It had been said, that his right rev. Friend had, in his charge to the clergy, inculcated the doctrine of separate dealing, and recommended that there should be no dealings with Roman Catholics. That accusation he must look upon as devoid of all foundation; and having resided for some time in the same neighbourhood with his right rev. Friend, he felt it to be his duty to come forward and bear testimony to the zeal and anxiety his right rev. Friend had always displayed for the education of the Roman Catholic poor of his diocese. While on his legs, he would trouble their Lordships with a very few words upon the general subject before them—the national system of education in Ireland. To that system, it would be remembered, he had stated his objections when it was first brought forward. He had then said, that his objections were not to the system itself; on the contrary, if it were about to be introduced in a country where no system of education existed already, it might perhaps be as good a one as could be devised. His objection was not, then, to the theory of the system; but because it went to destroy one of the best and most efficient systems of education then existing in Europe, viz., the Kildare-street Society's schools. That was the opinion he had expressed when the national system was first established; and from all he had learned since, notwithstanding the various reports they had had from time to time of its progress, notwithstanding the statements that had been made of increased accommodation in consequence of the great increase of the grant, he was prepared to pronounce it a direct and decided failure. It was a most melancholy fact, that the consequence of this system had been to deprive altogether of the benefits of education that portion of the population of Ireland, which had, at times, been the most distinguished for their loyalty and devotion to the connexion with this country. Neither the Protestants of Ireland, nor their clergy, had confidence in the system. He was aware that many of the clergy of the Established Church of Ireland did co-operate with the National Board; but generally they did not. And the petition which had been presented to their Lordships by his right rev. Friend, signed by 1,700 or 1,800 of the Protestant clergymen of Ireland, against the system, was of itself a sufficient proof that it had made no progress. Then, the question was, were their Lordships prepared to say that the poor of the Established Church in Ireland should be left without education altogether? The course he should wish to see adopted now was, that the Protestant poor, the Church of England poor, in Ireland, should, with regard to education, be put into communication with the Church Society of this country. That was what the Church Society itself was anxious for, and what he believed the English clergy and the Irish clergy were equally anxious for; and the effect of such a connexion would be to cement together and draw the bonds of union more strongly between that part of the Established Church which was in Ireland, and that part of the Established Church which was in England, and thus conduce to the interests of both. He called

upon the Government and the Parliament to show that they were not forgetful of the Protestant poor of Ireland. What he now suggested it would be wise to do now; and it might be done, not only without injury to the national system, but would so far benefit it that it would go far to remedy the prejudice which now existed against it, by inducing a comparison between the education administered under the one system and the other. Apart from religion, he was not prepared to deny that the national system of education was infinitely the best general education that could be given; therefore, he believed, if the prejudice against it could be removed, it would make greater progress, and confer more general advantages than under present circumstances it could do. He hoped the instruction which had been understood to have been given to the Irish Government by the right hon. Baronet (Sir R. Peel)—that no clergyman should be promoted in Ireland who was not in communion with the National Board—was, if it had ever been issued, no longer in force. Such an instruction he could not regard but as one of the deepest wounds upon the Protestant Establishment in Ireland that had ever been nflicted, and as tending to demoralize and destroy the high character the clergy of that Church had hitherto maintained, by inducing them to sacrifice their conscientious views to the hope of advancement. If the Government was determined to maintain the national system as the best under present circumstances; but at the same time would concede to the wishes and prejudices of the members of the Church of England, they would confer a great boon on the country, and give satisfaction to those who were now irritated — unjustly, as he confessed—against them, and show that they were not influenced by bias or favour to any one party in that or this country, but were determined to hold the scales of justice with an even and impartial hand. It was with the view of extending the benefits of education to all classes in Ireland, that he ventured to urge this proposition on the attention of their Lordships and the Government.

The Marquess of *Normanby* explained. He had not disputed the right rev. Prelate's version of his charge, when stated on his own authority; but the case of the letters was different.

After a few words from the Earl of *Clancarty*,

Lord *Monteagle* had heard with much satisfaction what had fallen from the noble Lord opposite; for it was of no small importance when a noble Lord whose judgment none could deny, and whose powers and opportunities of observation were manifest, and who had had the advantage of many years' experience of the system, came forward, point by point, to meet and refute every charge which the right rev. Prelate had brought to bear on the question of national education. His noble Friend had given strong testimony in favour of that system on two most important points—the one, the efficiency of the system in its practical working; the other, as to the accidental disturbing forces, which, in his judgment, had limited and contracted its advantages. But those were accidents for which the system was not responsible; and he should be able to show, on his noble Friend's own statement, that the misapprehensions prevailing on this subject, both in this country and in Ireland, were to be traced to an utter and complete ignorance of the working of the system, and an entire want of knowledge as to the nature of the education that was condemned. When they talked of Scripture Extracts, they forgot that the Scripture Extracts read in those National Society schools were no narrow or limited system of religious instruction; but comprehended the whole of the Gospel of St. Luke, all the Acts of the Apostles, and many of the most instructive parts of the Old Testament. There were schools in connexion with the National Board upon his estates, and he was able to say that those Extracts from the Gospel were read in those schools, and that the children were most anxious to possess them, and even to purchase them at their own expense. But then it had been said that the Government had set aside a Scriptural system of education for the purpose of introducing one in which the Scriptures were not taught. He asked them to look to what had been stated upon this point by the Commissioners of Inquiry—to compare the account given of the education as imparted by an institution that was beyond all others unusually "Scriptural"—the Kildare-place Society. One of the agents of this Society—a gentlemen well and long acquainted with its working, and whose interest it must have been to have given the best account possible respecting it—a Mr. Veevors, said, in answer to questions put to him, that the Scriptures were never expounded to the children—that it was his opinion that the

boys ordinarily did not understand the New Testament (and this was said not in reference to doctrinal points) - and that he never recollected an instance in which they manifested a wish to be better informed on the subject. This was what was called a Scriptural system of education; whilst as to the national system of education, which was so much objected to, a very different answer would be given, and a very different account rendered—for where the system was managed rightly, where the rules were enforced, he affirmed that there was no part of England in which a sounder or more full knowledge of religious truths were conveyed to the minds of the children. It was assumed by those who objected to the national system of education in Ireland, that it was one wholly devoid of religious teaching. Not only was such an assertion not the fact, but it was the very opposite of the fact. Of all the propositions that had been made, that which was made by the noble Earl opposite was the most objectionable, that of giving a grant to the Church Society in this country, for the purposes of Church education in Ireland. Now, he said, if any such grant were to be made, he would prefer entrusting it to the bishops of the Church in Ireland; but any such grant would be the establishment of an antagonistic system by the Government; it would be establishing a rival, and not on fair terms. He wished he could induce the right rev. Prelate to accompany him to two schools which he could point out to him: one of them was a Church school, under the especial care of a clergyman of the Established Church of the parish; the other a national school, under the superintendence of the Catholic clergyman. In the first of these schools—for he had visited both—he saw a few miserable and neglected children, with no means of instruction for them; he saw in that school the Bible certainly, but he saw it torn and mutilated—there, indeed, he did see a "mutilation of the Scriptures." He never saw the master, for he had "gone to the fair." He asked for the mistress, but she was not present; and, in short, there was there no system of instruction deserving of the name. What, on the contrary, did he find to be the state of the rival school? It was full to overflowing; all the Scriptural Extracts were read there, and, what was something more, they were understood there; the intelligence of the children was manifested when questioned respecting them, and in the glances of their eyes could be discerned their aptitude and their progress in acquirements. He found even amongst them a competent knowledge of the elementary part of the mathematics. Such was the national system, and such its rival. He must say that he regretted to perceive that there would still be found 1,700 clergyman of the Church in Ireland opposed to this system. He respected their conscientious opinions; but doing so, he deplored that they could be so blinded to truth, to fact, and to the well-being of the people amongst whom they lived, as still to protest against the national system of education in Ireland. He knew the difficulty in which Her Majesty's Government were placed, in resisting this application from a large body of Protestant clergymen. They resisted it upon principle, and in doing so—in giving their support to the national system of education—they would confer upon Ireland the greatest possible good. He had only now to say that he wished they had made up their minds to do this on their first accession to office, because he believed, by their not doing so, they would induce many to involve themselves in a further opposition to the national system; and inspired them with what now appeared to be the vain hope, that the Government would abandon the national system for the purpose of giving support to its opponents.

The Earl of *Clancarty* and the Archbishop of *Dublin* having arisen together, the former said:—I trust the most rev. Prelate will permit me, before he addresses the House, to make a few remarks, to which it might be desirable that he should reply, respecting the 14th Report of the Commissioners of Education Inquiry in 1812. That Report has been referred to by the Board to which the most rev. Prelate belongs, as the basis of the national system of education in Ireland. Upon it Sir Robert Peel, in his recent correspondence with the Lord Primate of Ireland rests the justification of the Government for adhering to that system; and for the same purpose, my noble Friend, the late Secretary for Ireland (Earl of St. Germans) has this evening quoted from it an answer to the right rev. Prelate by whom this discussion was commenced. It struck me, however, that my noble Friend did not convey to your Lordships a just view of the recommendations of the Commissioners. I hold in my hand the Report

from which my noble Friend quoted, and will beg your Lordships' attention to what he omitted to quote, which, I think, would have conveyed to your Lordships a very different notion of the views of those Commissioners. From the noble Earl's quotations, it would appear that the object of the Report was by a general system of education, analogous to that under the National Board, to supersede all others; but by looking at the context your Lordships will find it was no such thing; that the schools that were to have been founded upon the principles laid down, were not to supersede, but to be supplementary to those at the time in existence. Taking up the Report where my noble Friend left off, I read as follows:—

"We recommend that, in the first place, those Commissioners be instructed to apply to the governors of all existing establishments for the education of the lower classes, wherever the information that has been received by us shall appear to be insufficient, and to require from them returns of the several institutions over which they preside; such as may enable them to ascertain in what districts supplementary schools, to be put under the direction of Protestant or Roman Catholic masters, as the circumstances of the case may render eligible, are most immediately necessary; which schools the Commissioners should be empowered to found, to endow, and to regulate. The check which the existing schools would receive, were the superintendence to be transferred to the proposed Commissioners, the difficulty of changing long-settled establishments, and the waste of time to the Commissioners, who would be much more profitably employed in forming new seminaries, than in altering old ones, induce us strongly to recommend, that the institutions which now exist, should remain under their present managers, and that the spirit of improvement already manifested among them should be left to operate undisturbed, under the influence of that emulation which the new establishments would naturally excite."

Thus, not in the Appendix only, which the right rev. Prelate has this evening quoted, but in the very body of the Report, does it appear that the Commissioners of Education, in 1812, so far from condemning or wishing to supersede the parochial schools, attach the greatest importance to their conservation and improvement. And what, my Lords, are these parochial schools, but the schools which the clergy were formerly required to keep for teaching the English language; or, as the noble Earl (St. Germans) has explained to your Lordships, for teaching the Irish to tell their beads in the English language? I confess I was astonished at my noble Friend's taking so narrow a view of the duties of a clergyman, as to suppose that his oath bound him to do no more by his parishioners' children than to have them instructed in the English language. If it was the duty of a Roman Catholic clergyman, when the Roman Catholic religion was the State religion in Ireland, to instruct his parishioners to tell their beads in English, I think it is perfectly obvious, that the schools were for purposes connected with the then established religion of the country, which was the Roman Catholic religion; and that the clergy of our Protestant Establishment, in making them seminaries of Scriptural knowledge, have taken a correct, though an enlarged view of the spirit of their obligations. It still continues to be the duty of the parochial clergy to maintain these schools within their parishes; and it is creditable to them that they have, in general, given themselves to the fulfilment of this duty, in place of connecting themselves with schools under the National Board, in which they could not faithfully act up to their obligations. The course they have taken is justified not only by their conscientious feelings, but by the evidence taken before a Committee of your Lordships, appointed in 1837, to enquire into the working of the national system of education. It is true, my Lords, that the evidence taken and reported, upon that occasion, was unaccompanied by any opinion of the Committee upon it; but that defect was compensated by the deliberate expression of the opinion of a Member of that Committee, whose advice your Lordships are accustomed to look up to with the utmost deference, and than whom no other Member of that Committee could be named more likely to have formed a correct estimate of the evidence taken before it—I mean the noble and gallant Duke (Wellington). Addressing your Lordships in 1838 on a Resolution moved by the Bishop of Exeter—

"That the working of the system of national education had tended to the undue encouragement of the Roman Catholic, and to the discouragement of the Protestant religion in Ireland,"

the noble Duke is, in *Hansard's Debates*, reported to have said—

"I cannot help thinking that there is great truth in the Resolution moved by the right rev. Prelate, that the system has operated as a discouragement to the Protestant religion in

Ireland. I can have no hesitation in saying, that if the evidence on the Table be true, the system must have greatly tended, among other circumstances which have occurred within the last few years, to discourage the Protestant religion in Ireland. The truth is, that clergymen have not the power of going into the schools, and teaching the doctrines of Scripture; there are not the means of enabling them to give religious instruction to those who desire it."

I think, my Lords, that the noble Duke's opinion of the national system—an opinion not hastily taken up, but the result of a careful inquiry—amply justifies the clergy of the Established Church in declining to connect their schools with it. The propriety of the course they adopted, received, however, in the following year (1839) a yet more remarkable confirmation, from two other distinguished Members of Her Majesty's present Government. The first I shall quote is Sir Robert Peel, who, after expressing doubts as to the correctness of the opinion he had once been led to form, that under the peculiar circumstances of Ireland, the national system of education might have been productive of good, proceeded to say—

"But with respect to the Established Church, I hope that rather than consent to any plan from which ecclesiastical authority is excluded, it would separate itself altogether from the State upon this point; that it would take the education of the people into its own hands; that it would not shrink from insisting upon the publication of its own peculiar doctrines, but that it would demand that the highest respect should be entertained for its power, by its being inculcated in the minds of children, that religion formed the basis of all education. I very much doubt whether the principles of the Christian faith being thus inculcated among children, as good a chance of harmony would not be secured, as by telling them that religion was an open question, and that each of them was to be instructed by a minister of his own creed, on a certain day set apart for that purpose."

The course the Irish clergy have taken exactly accords with what Sir R. Peel here described it as their duty to take. The views of the Minister are now changed; but their duty remains the same. The other Member of Her Majesty's Government to whose opinions I alluded, is the present Secretary for the Home Department, who, from the Home Office, appears to direct the Irish Government, in profound ignorance of the circumstances and character of the country. In the same debate on national education, in June, 1839, that right hon. Baronet is reported to have said—

"Reference had been made and great reliance placed upon the system of mixed education now in operation under the direction of the National Board in Ireland. He must say, in his opinion, that plan had not been very successful. He thought it had proved a failure. . . . The plan (of Her Majesty's Government) viewed no religious creed with favour; it went to admit an equality of right for State endowment to all. The moment that doctrine was admitted, a paramount State religion was at an end. Now, in this country, the State had chosen the religion of the Established Church to represent the Government in religion; but, in selecting that particular creed, the State still permitted each individual to be guided in matters of belief entirely by the dictates of his own conscience. The moment they went beyond that, and admitted the right of the civil magistrate to apply the public money, not in accordance with that view, but as circumstances and his discretion might seem to warrant, then they would put an end to the Established Church, the existence of which he believed to be essential to the peace, the happiness, and prosperity of the entire community. . . . He knew there were many persons who thought they could accommodate the difficulty attending the application of these doctrines (toleration) as regarded a State religion, by the adoption of a middle course, and that they would be able to introduce a kind of arbitration between God and man; but such opinions he deemed visionary."

Again—

"He much feared that any combined plan for a system of national education, such as that in question, would inevitably fail. It had been attempted and had failed in Prussia; and it was his conscientious belief, that if it were to be adopted, it would have that inevitable result here as well as there. In his mind, there could be no sound education without religion; and there should be no education in any religion at the expense of the public, but that of the Established Church." (See *Hansard*, Adjourned Debate on National Education, June 20, 1839.)

Such, my Lords, was the opinion delivered by Sir James Graham, only two years before the accession of the present Ministry to office, and on the last occasion, prior to that event, on which any discussion took place upon the subject of national education. I think that the expression of opinions such as I have quoted, was calculated to raise an expectation that Her Majesty's present Ministers would have acted very differently from what they

have done: the case, indeed, might be strengthened by a reference to the speeches of the noble Lord the Secretary for the Colonies (Lord Stanley), upon the same occasion. He was foremost in denouncing, as inconsistent with the due maintenance of the Established religion, the proposal of introducing into England a system of united education, analogous to that in Ireland, although he had himself introduced it into the latter country. Friendly to Protestantism in England, the noble Lord is practically opposed to it in Ireland. Well might he ridicule the idea of Ireland ever becoming a Protestant country, when he withdrew the Bible from the national schools. [A noble *Lord* here stated that the Bible was read in above 900 schools.] I understand the noble Lord to say that the Bible is read in above 900 national schools. I believe there are 4,000 national schools. [Lord *Stanley:* 3,000.] Well, there are 3,000 national schools; and, by the noble Lord's own admission, it appears that the Bible is not read in one-third of them; and I may remark, that even where it is read, it is not made an essential part of the educational course, or held in due respect. I have always considered the Bible as the very foundation of the Reformation; and I cannot conceive a more effectual way of perpetuating in Ireland ignorance of true religion—especially the religion of the Anglican Church—than by discountenancing Scriptural instruction as an essential in national education. Much has lately been said about endowing the Roman Catholic Church; but no endowment of Romanism could be productive of more serious consequences to the Established religion of the country, than the system of education Her Majesty's Government have determined upon patronizing in Ireland; it is, in fact, only less objectionable than the endowment of Maynooth College, because it is not an endowment given in perpetuity. The system of education has failed of accomplishing its original object of uniting Protestants and Romanists in the same schools; and the clergy have been charged with having obstructed its success. I do not deny, my Lords, that the influence of their opinions, and the efficiency of the schools they maintain without any Government assistance, may have stood in the way of the schools under the National Board; but if the clergy of the Established Church be to blame for the failure of those schools, may not the alleged failure of the schools under the Kildare-place Society, which the Government previously patronized, be with equal justice charged upon the Roman Catholic clergy? No noble Lord has dared to call in question the respectability of the motives which have actuated the Protestant clergy—no one will, I presume, say that they ought to act in opposition to their conscientious convictions; yet, unless they do so, the same impediment to the success of the national system of education must continue. Why are their wishes and conscientious feelings to be less respected at this time, than those of the Roman Catholic clergy were in 1831? The fact is, that in the divided state of religious feeling in Ireland, the system that one party may be willing to adopt, will not be acceptable to the other; and the conscientious feelings of all are entitled to be tolerated and respected. In England, the Dissenter may have his child educated in schools where the tenets of his religion are held in respect. In Ireland, a Protestant—but especially a Protestant of the Established Church—may not enjoy any such privilege; if he would avail himself of the schools maintained at the public expense, he must be satisfied that his child should either receive no religious instruction whatever, or only receive instruction in the Protestant faith, upon terms approved of, if not dictated by, a Roman Catholic archbishop. Were the recommendations of the Commissioners of 1812, as set forth in their 14th Report, faithfully acted up to, a system of public instruction, analogous to that of England, would extend to all the poor of Ireland the blessings of education; a spirit of emulation among the schools would contribute to their efficiency; no violence would be done to conscientious scruples; justice would be done by all. And all this, without materially interfering with the schools under the National Board, could be effected, either by compliance with the prayers of the many petitioners who have applied to Parliament in behalf of the Church Education Society, or, as suggested by my noble Friend (Earl of Wicklow), by the Government giving countenance and aid to the schools of the clergy in Ireland, through the same medium as they do to the schools under the clergy of the Establishment in England. Having been entrust-

ed with the presentation of numerous petitions upon the subject of national education, from many parts of Ireland, and being myself strongly impressed with the justice of the claims of the petitioners, I would earnestly call upon your Lordships to give them a serious and impartial consideration. And I would entreat Her Majesty's Ministers to review well the grounds of their decision upon the subject; and if they would maintain and uphold the Established Church in Ireland, to give due support and encouragement to the Established religion.

The Archbishop of *Dublin* said, it was well known to every Member of their Lordships' House that he had long been connected with the National Board of Education, and, therefore, felt it incumbent on him to make a few remarks upon some points, with respect to which there was much misapprehension. It was not the time for entering into a full discussion of the principles of the system; but he wished to observe, that the Commissioners were responsible to Government and not to Parliament. The system was not a favourite scheme of their own, but it was one in which they were employed by the Government for the time being; and although, of course, he would not be a party to any system which he did not consider to be good, safe, and valuable, neither credit nor discredit could be attributed to him for the course which he had taken with reference to this system. He had considered it his duty to act with, and to strengthen, the hands of the Government for the time being, when he could do so with a safe conscience; and in carrying out this system, he had acted under seven Lords Lieutenant, and under six Secretaries for Ireland. Considering the permanent situation that he held, he had felt it desirable to keep clear of party. Many attacks had been made upon him by Protestants and Roman Catholics; but he would adhere to the reply he gave long since in that House—namely, that he would answer them by his conduct, for he thought that the character that could not vindicate itself, was not worth defending. On the first accession to power of Her Majesty's present Ministers, he had made a strong appeal to them, praying of them to declare distinctly what their opinions and intentions were in reference to this subject; and on that occasion he tendered his resignation, in order that it might be accepted, if they thought there had been anything objectionable in his conduct. He could not refrain from expressing his regret, that his application had not been complied with—that they had not come forward with a distinct declaration of their sentiments. He did not say this as a reproach—for he had no party feelings—but he said it, because he was convinced that a great part of the opposition which now existed against the system, and that he hoped would be yet removed, was to be traced to the fact of many persons being left in doubt as to what were the real designs of Government. For more than a whole year their decision was kept in abeyance. It was at a stand-still. The Parliamentary grant had been applied for; if it had not, the schools must have sunk at once; but then an additional grant was wanted at that time for the additional schools. The whole system was, however, suspended. It was at a stand-still for a year and a half. What they had since done was done deliberately, and the result at which they had arrived he was convinced was the right one. He was convinced that if the attempt were made to alter the system, or to abrogate it altogether, it would produce a greater mass of evils in Ireland than any measure that had been ever thought of in the memory of man. It had been said that this system of national education, as a system of united education, had entirely failed. That, he had no hesitation in saying, was an entire misapprehension of the matter. It had not so failed, nor had its promoters and supporters been disappointed in their views. If the House should think proper to appoint a Committee of inquiry to investigate into the results of that system, they would find that what he now stated was the fact. United education had taken place in every instance where a fair chance had been given to it, and in many instances where such fair chance had not been given. It was designed to be a united education in the sense that children of all religious denominations might come in if they chose, without having any violence done to their religion, and to the religious opinions of those who had charge of them as parents and guardians. A great deal had been said, and a great deal of misapprehension prevailed, about the exclusion of the Scriptures from the national schools. It was totally without foundation, in the or-

dinary sense of the terms, to say that the Bible was excluded. What people understood when it was asserted that the Scriptures were excluded was, that the children were prohibited from reading them at all. Now, what was really meant was, that the Scriptures were not to be forced upon any one. It was not true that the Scriptures could not be read, or that they were not read in any of the national schools, provided due notice were given, so that the child might not be entrapped into reading them contrary to the will and contrary to the disposition of its parents. There were altogether about 3,000 of these national schools. In 900 of them the authorized version was read, and in 1,400 the Extracts were read, which had been authorized by the National Society, so that in fully two-thirds of the schools the Scriptures were virtually read. The authorized version of the Scriptures was the version authorized by Act of Parliament to be read in churches. Those who made the charge that the Scriptures were not read in the schools were accustomed to couple it with the assertion that the Bible was the basis of Protestantism, that was, that the present authorized version was such basis; but they did not remember that when the Articles of our Church were prepared, which declared that the Holy Scriptures contained all the essentials of our religion, the Articles referred to the original and not to the authorized version, which was not then in existence. He would say a few words now upon a point on which he, perhaps, entertained a deeper feeling than did any of their Lordships—he meant the opinions of his lamented friend, Dr. Arnold. He had known that eminent man for upwards of a quarter of a century, and he begged to assure their Lordships that any insinuation which they might have heard of his being unfriendly to the national schools, or that he wished to see the Scriptures or any other book forced upon them, was entirely the reverse of fact. He could also assure their Lordships from his own personal knowledge, that he (Dr. Arnold) was employed, in connexion with the other Commissioners, in drawing up the Scriptural Extracts to which allusion had already been made; and that they had derived from his great and eminent scholarship the most important assistance, as could be testified by all the Commissioners; and that he (Dr. Arnold) knew all along, that these Extracts were to be offered to the children at the national schools, but not forced upon them. It had also been said that the National Society had altered their system. That was not the fact. There had been no change introduced into the system, or into the principle which regulated it. Whatever change had been effected had been made merely in the wording of the rules necessary to carry the principle of the system into effect, or to render them more perfect and intelligible: but as to changes in the principles which were at the basis of the national schools, he pledged himself that such had never been made from the very first. It had been asserted also, that the Members of the Board had been negligent in the performance of their duty; that the Provost and himself had signed papers, in the execution of the functions which devolved upon them, without knowing anything about them; and that they had not the time at their command which should properly be bestowed upon the business connected with the Board. A greater falsehood could not have been circulated. The Provost and himself were scarcely ever absent from the meetings of the Board; they had never, in any instance, neglected to pay the most constant and direct attention to the laborious duties of their office. But this was one specimen, out of many which he could adduce, of the misrepresentations and mis-statements which had been put in circulation, and by which many, both in England and Ireland, were misled. Another misrepresentation which had been circulated was, that the National Board had used its influence to discourage the applications of the Protestant clergy for schools. That they had been discouraged from coming forward to make application was too true; but the discouragement did not come from the Board. On the contrary, whenever the Protestant clergy had come prepared to act in the spirit of fairness on the principles of the Board—even although they might be the most zealous men in the advocacy of their own views—their applications had always received the utmost attention, when combined with others from the Roman Catholic clergy. The most perfect success had been the result of the system, where it had had a fair trial, and where the children of both denominations were found; and when par-

ties came to see what was the true state of the case, and to see more clearly what were the true interests of Ireland, they would be more and more disposed to take advantage of the provisions which the Government had made for popular education in that country. They should not form their opinions of this system from what was said of it by some of the agitators of that country: they should not consider, as the voice of Ireland, the opinions of those who were most loud and clamorous in agitation; nor should they consider every measure as objectionable and inefficient which was objected to and disliked, and evidently dreaded by those whose business was agitation, and who did everything that they could to keep up disunion between the two sections of the population in Ireland, and between Ireland and this country.

Lord *Stanley* was too sensible of the importance of the services of the most rev. Prelate, in the support which he had uniformly given to this system of education, in the midst of obloquy and misrepresentation—too sensible of the success which the system owed to the able assistance and co-operation of the most rev. Prelate, and of the most rev. Dr. Murray—he was too sensible of these services, to complain even of an intimation of opinion which the most rev. Prelate had let fall, and which his noble Friend opposite called an historical fact, but which he (Lord Stanley) would take the liberty of saying was not founded on fact at all, to the effect, that there was at one period reason to doubt as to the intentions of the Government with respect to supporting and maintaining the existing system of education in Ireland. Having had the honour, in the first instance, of being the instrument and the organ of introducing a system of education into Ireland, which he did not originate, and having watched that system develop itself gradually, till it attained a degree of success in the amount and in the quality of the education given to the poorer classes in Ireland, far beyond what he or any of its most sanguine promoters had anticipated; it would be inconsistent on his part, and he hoped their Lordships would allow that it would be also unworthy of his personal character, if he had consented to become a member of a Government which had the slightest intention, as one of its measures, of abandoning that system of education. The most rev. Prelate must confess that at no time was the system known or supposed to be an abeyance—that at no time was the question raised of withdrawing the grant. They had examined fully the working of the system—they had examined the progress of the schools, and also into the question whether it was possible to combine the two objects of a national system with the exclusive system which was demanded by some, and having come to the conclusion that the system as established had been administered with fairness, and that it was working beneficially for Ireland—that day by day its influence was extending, year by year the number of its opponents diminishing—that day by day the number attending the schools was increasing, and the quality of the education imparted improving—the Government felt justified in supporting the system; and had since felt it their duty to propose, not the continuance of the previous system, as it was, but a large and liberal increase to the amount of the grant, for the purpose of enabling the Board to multiply the benefits of the system, by extending their operations. To assent to that which was now demanded by the clergy, would be injurious to the people of Ireland—would be destructive to the existing system of education; and that system, it must be remembered, was the only system which, by proper latitude of terms and expression, could fairly claim to be in Ireland a national system. The conclusion to which the Government had come with regard to that system, and to which he was confident, so long as he remained a member of it, it would adhere, was, to maintain it. The noble Earl (the Earl of Wicklow) inquired if any alterations had been made in the instructions issued by Earl Grey with respect to the disposal of the patronage of the Crown, which instructions were to the effect that, in the disposal of that patronage, reference should only be had to professional merits and character. No alteration had been made, no instructions had been issued to exclude from professional advancement any individual, whether his opinions were favourable or hostile to the opinions of Her Majesty's Government, on this or on any other question. They (the Government) were sincerely anxious strenuously to maintain and extend the present system of education in Ireland; and they were not prepared to say that opposition to that

system should be a bar to the advancement of a conscientious and well-disposed clergyman; but they were prepared to say this, that they would give no reason to believe that professional advancement should be hindered by a conscientious and firm support of that which they believed to be the best system of national education—best adapted to the intellectual wants of Ireland. If he believed that it involved a question of Protestant principles, he would abandon, with the noble Earl, all hopes of securing the co-operation of the Protestant clergy, and all intention of seeking that co-operation; and if he thought that it involved an abandonment or a sacrifice of Protestant principle, he would be the last man to support or to propose it. It was because it involved no such abandonment of principle—it was because the supposition that it did so was a supposition founded upon the grossest misapprehension of the system—it was because he believed that that misapprehension was founded not upon wilful ignorance, but arose from want of due inquiry into the real merits of the system—it was because he believed, as he had, already said, that the supposition, on the part of many of the clergy, that there was in the principle and in the practice of the system a violation of the principles of Protestantism, was erroneous—that he did not despair, after the lapse of eleven years, of seeing this system, by its own merits, working its own way even in the midst of opposition and of distrust, and notwithstanding the efforts of its most prejudiced opponents. It was because he was convinced that it would ultimately be found that Protestant clergymen would have the power of enforcing upon the members of their own congregations the fullest, the most complete, and the most entire acquaintance with the Scriptures, with all the doctrines, with all the formularies, and with the Liturgy of the Established Church—it was because he was satisfied that the misapprehensions which existed would be corrected by experience—that he yet hoped to live to see the day when this system would not meet with that active opposition which now encountered it, but when it would receive the cordial co-operation of the Protestant clergy of Ireland. If, notwithstanding the opposition with which it had to cope, the system had been successful in introducing into Ireland the best and the most Scriptural education which any Protestant Government had ever given to any Roman Catholic population—if, under this system, more than double, and, he believed, three times the number of children were receiving instruction at the hands of the Government, than had received instruction under any former system—if he found that at this moment there were receiving this instruction, not less than 400,000 children, of whom at least 340,000 were Roman Catholics—there being, by the by, no great discrepancy between the relative proportions of the children of the two faiths attending these schools, and the relative numbers of Catholics and Protestants constituting the population of Ireland—if he found this, that these children were at this moment receiving from the hands of a Protestant Government—and he hoped that in future life they would be grateful for it—that which was admitted to be a large, and liberal, and excellent education, and which was essentially a scriptural and religious education also—if such had been the fruits of the system, notwithstanding the opposition of the Protestant clergy—he hoped that when time and experience had removed the misapprehensions which now prevailed, he might yet see the Protestant clergy of Ireland co-operating with the clergy of other denominations; and if they did obtain that co-operation in behalf of the national system of education established in Ireland, great as were the benefits of the system, as it at present stood, he saw no limit to its advantages, no limit to its expansion, no limit to the beneficial influence which it might yet produce—not on the knowledge only, not on the peace only, and not alone on the contentment, but—on the morality, on the religion, and on the principles of the people of Ireland, of all denominations.

The Duke of *Wellington* said, that the noble Earl, having referred to some expression which fell from him some years ago upon this subject, he had a few words to address to their Lordships. Of what the noble Lord referred to, he (the Duke of Wellington) had not the remotest recollection. A Committee of Inquiry had been alluded to, of which it was said that he was a Member. Now he had not been a Member of any such Committee of their Lordships' House for many years. He, certainly, at one time, had entertained an opinion adverse to the national system of education; nor had he then much faith in

the benefits likely to result from it. His opinion was then very adverse to a system of joint education; but he had altered his opinions upon that subject—he had altered them while he sat on the other side of the House—he had then delivered his opinions as so altered—he had opposed a Motion made by a noble Friend of his, and supported all the Motions made for the augmentation of the grant; and, besides, did everything in his power, in the way of influence and advice, to induce all those over whom he could have any influence, to give their support to the system adopted by the Government, and which was in course of being carried into execution. The noble Earl stated that the clergy had been induced to oppose the system by the example given them by persons high in office; and possibly the noble Earl, amongst others, meant himself (the Duke of Wellington); but what he wished was, that these gentlemen would have the kindness to examine a little what had been the conduct of those persons from whom they professed to take example. They might, in that House or elsewhere, oppose a law or a system which they thought was injudicious, and when they thought that another system was preferable; but he should like any man to show him, when a system was to be carried into execution which was once passed into a law, the man who could come forward and accuse him of ever failing to do everything in his power to carry that system into execution, whatever might have been his opinion of its inefficiency in the first instance, or whatever might have been his views as to the consequences which were likely to follow such a measure of legislation. When once a measure became law, he—whether as the executive officer of the Government, or in any rank of situation in life in which it might be his duty to carry it into execution—should invariably lend his best aid to carry it into execution, whatever might be the consequences. And this was the rule which honest and honourable men should move upon. He applied that maxim to the conduct of these clergymen. He approved entirely of their coming there to the number of 1,700, and making an application to that House for aid to carry into execution the maintenance of the Scriptural Society; but having received the answer which they had done, in that clear and distinct letter from the right hon. Gentleman at the head of the Government—he having told them that he did not mean to propose a grant for that Society, and that he considered such a grant inconsistent with his duty—let them perform theirs—let them come forward, each in his parish, and give their aid to carry into execution the system that was preferred by the Legislature—preferred by their Sovereign and by the Government, and ordered to be carried into execution by the Board appointed by the Government to carry it into execution. Then he should approve of their conduct, and think it highly praiseworthy and creditable to them. Let them say what they pleased at Exeter Hall; but in their parishes he desired—he advised—nay, more, he entreated them to carry into effect the law, the preferred law of the Government and the Legislature. Now one word as to the conduct of the Government with reference to their refusal to give money for the promotion of the views of the Church Education Society. Their Lordships must be aware that there were no less than four different systems of religious opinions in Ireland. There were, first, the doctrines of the Church of England; then, of the Roman Catholic Church; third, the Presbyterians, in connexion with the Synod of Ulster; and then another, that of the Seceders from the Synod of Ulster. Now we should have, according to the proposed mode of proceeding, four different systems of education going on in Ireland, all supported by the Government. What would noble Lords say of the principle of such a plan? And let their Lordships observe this, that if they did not make these grants, they would have each of these parties complaining, and saying, "Your conduct is inconsistent with our conscientious religious scruples; you are giving our money to teach that which we believe to be heresy." Each of the four systems would state this of the other three. Really that was not what could go on! He did not deny that he had very strong opinions which he entertained for a long time against a united system of education; but experience had shown him that that opinion was wrong, and that the system had done a great deal of good. He had cordially acted in carrying it into execution in Ireland. He was in office for a month or six weeks in 1835, and he cordially carried the system into execution during that short time. He supported the grant made in 1835—

Lord *Stanley:* The increase of the grant.

The Duke of *Wellington:*—the increase of the grant. He earnestly urged the clergymen of the Church of England—let them do what they would with their votes, with their voices, their speeches, and their writings; he entreated them as men of honour, as men of religion, and as good Christians—he entreated them, when they went to their parishes, to carry on their duty as became them as good subjects, and men who were desirous to obey the law under which they lived.

Petition read and ordered to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 17, 1845.

MINUTES.] BILLS. *Public.*—1°. Seal Office (Abolition); Assessed Taxes Composition; West India Islands Relief; Bills of Exchange.

Reported.—Coal Trade (Port of London).

Private.—1°. Hawkins' Estate; Lady Sandy's (Turner's) Estate.

Reported.—Erewash Valley (No. 2); London and South Western Railway (No. 1) (Metropolitan Extension); London and South Western Railway (No. 2); Great North of England (Clarence and Hartlepool Junction) Railway; Wear Valley Railway.

3°. and passed:—Shaw's Waterworks; Battersea Poor; Londonderry and Coleraine Railway; Londonderry and Enniskillen Railway; Glasgow, Garnkirk, and Coatbridge Railway; North British Insurance Company.

PETITIONS PRESENTED. By Captain Archdall, and Mr. E. Taylor, from several places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Captain Archdall, from Cleenish, against Grant to Maynooth College.—By Mr. Liddell, from Durham, for Relief from Agricultural Taxation.—By Viscount Castlereagh, from Banbridge, for Alteration of Banking (Ireland) Bill.—By Mr. Cobden, from Stockport, for Repeal of Commons Inclosure Bill.—By Mr. Aglionby, and several other hon. Members, from an immense number of places, in favour of the Ten Hours System in Factories.—By Viscount Howick, from Hand-loom Weavers of Barnsley, for Establishment of Boards of Trade (Hand-loom Weavers).—By Viscount Howick, from Sunderland, against Parochial Settlement Bill.—By Mr. T. Duncombe, from Eaglesham, for Alteration of Poor Law Amendment (Scotland) Bill.—By Captain Archdall, from Enniskillen, for Alteration of Poor Relief (Ireland) Act.

SANATORY PRECAUTIONS.] Lord *R. Grosvenor* wished to ask a question of the noble Lord at the head of the Woods and Forests on a subject which involved the comfort and happiness of a very large number of poor people, who were located not far from the spot in which hon. Members were now assembled. In order to make himself intelligible, he would briefly state the circumstances which had already occurred. In the beginning of last year, when the attention of Her Majesty's Government was directed to the sanatory condition of the people of this and other large towns, it was thought by all those who were acquainted with the locality near the Penitentiary and Vauxhall road, that it was exceedingly important that the space of open ground lying near the river Thames should not be covered by building, but should be enclosed for the recreation of the numerous poor population so thickly located in its neighbourhood. It was thought exceedingly improper to check, in any manner, the free circulation of fresh air, so necessary to the preservation of health in that particular quarter. Upon inquiring into the circumstances, he found that the property in question belonged to the Crown, and that it had been let on lease to Mr. Cubitt. He then represented the matter to the head of the Woods and Forests, who met the question as the noble Lord always did meet any question affecting the health and convenience of the people; and, accordingly, a plan was submitted to the Government, and when he (Lord Grosvenor) left town last year, he felt that he had given satisfaction to those persons whom he represented on that occasion. Subsequently he was informed that difficulties had arisen; and that the plan which had met with the approbation of the head of the Woods and Forests, and of the Secretary for the Home Department, was now refused to be concurred in, upon the ground of expense. The expense he (Lord Grosvenor) understood would be about 1,000*l.* in the first instance, and about 300*l.* afterwards, by way of less rent to the Crown. The question he wished to put was this—whether, notwithstanding the Report of the Commissioners on the Health of Towns, who had stated that it was of the utmost importance that these open places should be retained in such localities as he had described—whether, notwithstanding the expense and inconvenience which the people were put to, in order to make new thoroughfares in places which had been improperly built upon, it was determined by the Government that this spare space of unoccupied ground should still be built upon, to the serious inconvenience to the health, comfort, and happiness, of a very large number of the very poorest classes?

The Earl of *Lincoln* said, that the circumstances were these: the land consisted of about sixteen acres, on a part of

which the Penitentiary was built. About five or six acres remained unbuilt upon; and which had been let on a building lease to Mr. Cubitt. When his noble Friend called his attention to the subject, he made application to Mr. Cubitt as to the apportionment of the rent of the part unoccupied by buildings. Mr. Cubitt conceived the proportion of the rent to be 100*l.*; but he would not bind himself to that sum, because it was possible that the land might be so appropriated as to cause a deterioration of his other property. The exact expense, then, in the first place, would be a reduction of the rent to the Crown of 100*l.*, and an outlay of 2,000*l.* The only way in which his right hon. Friend (Sir J. Graham) was concerned in this matter was this—the prison inspector having heard that this ground was to be occupied by building, was apprehensive that it might be prejudicial to the health of the prisoners in the Penitentiary. His right hon. Friend, therefore, desired to know what was the plan by which it was proposed to occupy the ground; and having had it laid before him, his right hon. Friend was quite satisfied that the buildings should proceed. That was all his right hon. Friend had to do with the matter. He considered it very questionable whether the Commissioners of Woods and Forests could depart from the present contract without a special Act of Parliament. Besides, this was not one of the localities that so specially required such an expenditure on the part of the Government. There existed greater claims in such neighbourhoods as Whitechapel. A Report would be laid on the Table in a few days, to which he would call the attention of his noble Friend, and there he would see that it was considered very desirable to open a broad roadway between Battersea and Vauxhall for the accommodation of the poorer classes. At any rate, without a special Act of Parliament, he should not feel himself justified in submitting to the Government and the House any arrangement such as had been suggested by his noble Friend.

Subject at an end.

NEW ZEALAND.] Mr. *Charles Buller*: If, Sir, my sole object, on the present occasion, were to bring before this House the injury which the Government has inflicted on the New Zealand Company, by the violation of an agreement on which its whole property depends, I should rely on your justice for preventing the rights of property from being violated in our persons, either by arbitrary repudiation, or disingenuous misconstruction. But even such an individual grievance is lost in the far greater case of public mismanagement which it is my duty to bring under your notice. The petitions of the merchants of London, and of the Company itself, put forward as the main topic of their complaint, that a great enterprise, wisely and boldly devised, has, after its foundations had been successfully laid, been arrested and marred, by the interference of the Government; that a Colony to which its position, its resources, and the energy of its founders promised a rapid and steady development, is now in a stagnant and perishing state; and that the fair prospects of a large number of adventurous and laborious emigrants have been cruelly, and, in too many cases, fatally blighted. Our complaint is, that a sound colonizing policy has been thwarted by feeble views and narrow jealousies; and so confident do I feel of being able to prove this, that I am content to wave all the advantage which I may derive from the mere letter of our contract, and to rest all our claims on the equity of the entire case. Look on the question before you as one involving a great issue between two conflicting systems of Colonial policy. Compare the principles and results of each; and if I succeed in proving that the policy of the New Zealand Company, was that by which the good of all classes, and all races, would have been promoted, and that the policy pursued by the Government has been detrimental to the interests of all—then, and then only, regard me as entitled to ask your consideration of the Company's claims under its agreements with the Government. I know, indeed, no so instructive lesson on colonization, as that which people in this country may derive from the short history of New Zealand. For you cannot come to a decision on the issue which you have to try between the colonizing views of the Colonial Office and those of the New Zealand Company, without passing in review the great questions which present themselves in the foundation of Colonies, and determining the principles on which European settlements are to be formed in those unpeopled regions that are yet open to the enterprise of civilized men. The House must allow

me to assume that it goes with me in my general views of the advantages of colonization: that it sympathizes with what I must make bold to regard as the general feeling of every intelligent person in this country out of the Colonial Office—with what repeated petitions show to be the strong and deliberate opinion of your most eminent merchants, that it is a great benefit to this country to extend the employment of our shipping and our seamen—to secure new sources of supply for the raw materials of our manufactures, and to open markets independent of the policy of other nations—to provide the destitute with a home where honest labour may ensure a subsistence—to augment the influence of the British name, and to spread over the farthest ends of the earth our language, our arts, and our institutions. These were the public ends at which the New Zealand Company aimed; they were ends which I will undertake to prove that they sought to attain, not merely with strict justice, but with far-seeing benevolence towards all; they were ends, which a wise and patriotic Government, overlooking and repairing many errors on their part, would most assuredly have assisted them in attaining, with hearty encouragement and a helpful hand. I do not believe that there ever was a field on every account so inviting to British colonization as that presented by the islands of New Zealand: none, in truth, to which necessity, as well as policy, so imperatively called us. With the one drawback of a long sea voyage, it seems to be the most available field for the capitalist and emigrant within the whole extent of our Empire; and it is the quarter of the world in which it would appear to be most distinctly the interest of Great Britain, that a large community of its people should be established. The extent of the islands comprises an area almost identical with that of the United Kingdom; and after making allowance for lake, morass, and vast chains and groups of Alpine mountains, I see that the Legislative Council of the Colony, in a formal Address to the Crown, states the total amount of available land to be not less than sixty millions of acres. It is no little advantage that this large area is not contained in a vast continent accessible only from a limited portion of coast; but that the far-greater and richer portion is immediately accessible from a long line of no less than 3,000 miles of coast, abounding in safe and commodious harbours. The evidence of all the most competent witnesses before the Committee of last Session, corroborated as it is by every writer on the subject, shows that the natural resources of this country are great and varied. But I will quote only one authority on this point, because it is that of one to whose opinion Her Majesty's Government cannot refuse the respect they have always paid to it. Captain Fitzroy, in a letter written by him in September last, which you will find at page 141 of the Papers laid before this House in April, says—

"Your Lordship may ask, Is New Zealand, as a British Colony, worth any great expenditure of public money? My Lord, its value is far greater than the public believe, or even your Lordship, with access to every source of information, can yet be aware. There is very much more available fertile and rich land than has been supposed."

I may add, that the difficulties anticipated from the expense of clearing the forest turn out to have been much overrated, and that it is now considered that the settler may calculate on repaying that expense by the first year's crop. Inquiry too has made known the existence of a vast extent of open country, admirably adapted for pasture. Governor Fitzroy goes on to say—

"The climate favours every kind of production, animal as well as vegetable, in an extraordinary manner."

It is singularly congenial to English Constitutions.

"I may add," says the Governor, "that mineral riches abound; their extent and variety becoming more known and better ascertained every month. Since I last wrote to your Lordship, and mentioned this subject, tin has been found in this neighbourhood close to the sea."

Copper, sulphur, iron, and coal had been previously known to be most abundant.

"It has been found," he says, "that the flax hitherto sent home bears no comparison with a peculiar kind, called by the settlers 'silky flax.' This is now being cultivated (though perennial, it is comparatively scarce), and promises to be a really valuable export."

In fact, the improvements already made justify us in believing that New Zealand flax will ere long be a cheap and valuable substitute for Russian hemp.

"Whales," he says, "are again frequenting

these coasts in numbers, after having for a time almost deserted them."

And here I must beg particularly to remind the House of the great importance of the South Sea whale fishery, on which the world now almost entirely depends for its supply of oil and whalebone, the North Sea whale fishery being almost destroyed. Of this, New Zealand is the natural emporium. Captain Fitzroy then goes on to comment on "the valuable qualities and abundance of the timber;" and it is now well known that New Zealand produces the greatest possible variety of beautiful furniture wood, and timber for all domestic purposes.

"The natives," he adds, "are well inclined to labour for very small remuneration, and are anxiously seeking for employment. There are all the means for prosperity, except capital; but that, with our mineral wealth, is sure to be found, if good feeling is kept up between the Natives and Europeans, and the security of property as well as life fully maintained."

Captain Fitzroy then goes on to say—

"I have here referred only to the commercial bearings of this grave question; the political aspect will be before your Lordship's eye in England."

Considerations of the greatest moment do, indeed, give great political importance to the possession of New Zealand. Our trade with the Pacific is daily increasing in extent. Our relations with other Powers in that ocean are getting to be very delicate. France has possession of the Friendly Islands and the Marquesas. The United States have virtual possession of the Sandwich Islands. The American coast of this great ocean presents the important dominions of Chili, Peru, Mexico, with the possible, the very probable, communication across the Isthmus of Darien, and our valuable territory of the Oregon. On the Asiatic side, you have the far greater commerce of China, the Philippine Islands, and the Indian Archipelago. A British Colony in New Zealand would be the natural master of this ocean, the irresistible arbiter of all its complicated relations, and important interests. Its position would command the Pacific; its numerous harbours would supply shelter, its vast forests materials, for the greatest Navy in the world. You might make it, in truth, the Britain of the southern hemisphere: there you might concentrate the trade of the Pacific; and from that new seat of your dominion you might give laws and manners to a new world, upholding subject races, and imposing your will on the strong. But, in truth, there was another inducement for the colonization of New Zealand, which was more urgent than even these great motives of national policy. New Zealand was getting filled with English settlers, without the restraint of English laws. Whalers and sawyers formed the basis of a society, which was completed by Sydney dealers and runaway convicts. Then there got up a notion that British rule and British settlement must ultimately be established there; and then immediately followed a desire of acquiring lands, which of course would gain an immense value on that contingency. The missionaries commenced the practice, and carried it to the greatest extent. I have no wish to cast any discredit on those whose pure Christian feeling established the missions to the South Seas. The zeal that prompts men to expose their lives in some obscure corner of the earth, in the hope of bringing the heathen into the way of salvation, is undoubtedly one of the noblest feelings that can animate man; nor do I rate low the more moderated form of the same spirit that induces our countrymen to foster missionary exertions, by the contributions of their hard earnings. But, undoubtedly, this is a feeling which in all times and in all countries has been turned to a bad account by worldly men. Nor can anything but the most stringent church discipline prevent unworthy members of the priesthood from abusing their sacred influence for the purposes of worldly gain. Now, it is a curious and instructive fact, as showing the necessity of a rigid adherence to the ecclesiastical system of every Church, that in New Zealand, while the missionaries of the Church of Rome, under the control of a resident bishop, are free from a single charge of making a profit of their sacred influence—while the Wesleyan missionaries have exhibited but one instance of land-jobbing, which has been immediately visited with exclusion from their body—the missionaries of the Church of England, under the imperfect control of an irregular Association, have, not in one or two instances, but for the greater part, made worldly gain their object. They have got large tracts of land for themselves, and become the agents for others in similar transactions. The result is, that these men, most of

them of the humblest origin, contrived to get such amounts of land before the establishment of British authority in New Zealand, that of thirty-five persons mentioned as being in the employ of the Church Missionary Society, in 1838, no less than twenty-three have sent in claims for land amounting in the whole to no less than 186,000 acres. This fact was asserted in the Company's petition which I had the honour of presenting several weeks ago; and Mr. Dandeson Coates, the Secretary of the Church Missionary Society, has noticed it in a printed letter to my hon. Friend the Member for the University of Oxford. In that letter I do not find that he attempts to controvert the assertion. He boldly defends these acquisitions of land, on some general rule, by which the Society authorizes its missionaries so to accumulate the good things of this world. He explains that the Rev. Henry Williams, in getting out of the natives 11,000 acres, did what every good missionary with a large family ought to do. The enormous acquisition of 50,000 acres by the Rev. Mr. Taylor, and of 40,000 by Mr. Fairburn, he defends on the bold hypothesis, that these gentlemen had taken all the trouble of establishing their titles in the Commissioner's Court, with the secret intention of giving back to the natives all they thus got. I have thought it necessary to touch upon these melancholy proofs of missionary misconduct, in order to show the House what was the extent to which this system of land-sharking was carried by individuals, and how it was encouraged by the most powerful influence that existed in New Zealand. Whatever little effect the intercourse with the missionaries undoubtedly had in softening the natives, was far more than counterbalanced by the evils incident to intercourse with Europeans. It was in 1825 that a chief of the name of Hongi, who had resided in England for some time under the care of the missionaries, returned to his country, in possession of a considerable store of the first fire-arms which the natives ever wielded. He used his irresistible superiority to expel from their ancient seats an old race of enemies. These, in the course of the struggle, learned the arts by which they had been worsted, and, having acquired some fire-arms, fell with equal advantage on the more southerly tribes, who were in turn driven back still further south. Nor did the wave of conquest and extermination cease, until it reached the very farthest extremity of the islands, the larger of which it almost absolutely depopulated, after greatly thinning the population of the other. The accounts of New Zealand speak of the fearful traces of these exterminating wars as everywhere presenting themselves in ruined villages and deserted cultivations. The most frightful devastation was that produced by the conquests of Rauperaha, of whom we have lately heard so much. A hideous tale was told by a most respectable merchant of this city, whom chance made an eye-witness of an ambuscade, wherein the nefarious complicity of an English trader enabled this savage chief to inveigle into his power a tribe resident at Otago. He massacred almost the whole tribe, men, women, and children, to the amount of 1,500 persons, carried back the captive chief hung up to the roof of the cabin by a hook through his chin, till he reached his own fastness then tortured him to death, and hung his entrails as an ornament to be worn round the neck of his wife. Nor were fire-arms the sole European commodity that contributed to depopulate New Zealand. The natives, it is true, at first showed a great repugnance to ardent spirits. I suspect, however, that it has always required some time to impart this taste to the wild man; and I fear that as it is quite certain that it has made some progress, we cannot but anticipate the possibility of its becoming in the long-run as fatal to the New Zealander as to the Indian of North America, unless checked by elevating the desires and character of the natives. But the mischief done by the introduction of apparently the most innocent commodities has been more fatal still, if we are to rely on the various witnesses before the Committee, who agreed in ascribing the sudden prevalence of consumption and fevers to the simple substitution of the blanket instead of their own mat for the dress of the natives. Be the causes, however, what they may, the effect seemed to be one that menaced the absolute extinction of the native race. The decline of their numbers was so large as to be visible to superficial observation. Some districts formerly peopled, are now absolutely uninhabited. A tribe of 2,000 in one place is reduced to fifty, another of equal numbers to twelve survivors. Mr. Busby, the resident says, in 1837—

"The depopulation of the country has been going on till district after district has become void of its inhabitants, and the population is even now but a remnant of what it was in the memory of some European residents."

In yielding, therefore, to the considerations of policy and necessity, which rendered it imperative on Great Britain to form New Zealand into a Colony, it became a matter of primary importance to determine the principles to be adopted in dealing with the native race. There has been a monstrous deal of finessing about the proper word to describe the social state of the Aborigines of New Zealand. Lord Stanley says, in a recent despatch, that they are not savages. My gallant Friend the Member for Westminster, on the strength of having, as King William said, "been there," utterly pooh-poohs the opinions which Sir George Gipps and my noble Friend the Member for Sunderland (Lord Howick) have formed on an extensive study of the subject, because they don't square with his own hurry-scurry impressions. But I will say for him that even his loose impressions are entitled to more weight in my eyes than the preposterous exaggerations to which my esteemed Friend the Member for the University of Oxford has lent his graver sanction, on the authority of Mr. George Clarke. In spite of the official position of that gentleman, as Chief Protector of Aborigines, I must own that I cannot regard him as a competent judge of such a question as the present and past history of any race of men. Mr. Clarke was a gunsmith, who had passed ten years in New Zealand, in the mixed occupation of converting the natives and jobbing in land. If a French gunsmith were to turn friar, and, after passing a similar period in a similar manner in this country, should offer his theory of the social condition of Great Britain from the period of the Heptarchy to the present time, I should certainly pay no attention to his speculations. And when, on such authority, I am gravely asked to believe that the New Zealanders, without either written language, or hieroglyphic, or any single device for preserving a record of past events, by means of nothing but oral tradition, transmitted amid wars that have over and over again shifted the possessions of every tribe in the islands, have preserved an accurate knowledge of the boundaries and succession of every portion of the soil for the space of thirty generations, or eight or nine hundred years—when, on the same authority, I am asked to believe that the tribes of New Zealand, clothed in mats, ignorant of the use of any metal, feeding on rats and fern-roots, till Captain Cook gave them the potato, and scattered in filthy huts, present an aspect of equal civilization with our Saxon ancestors when they had laid the foundation of half our present towns and cities, covered the land with those churches of which some still remain to excite the admiration of our architects, and divided the country into our present division of shires, and hundreds, and parishes—who possessed the foundations of our Parliamentary Government, of our common law, and of our jury trial—for whom Alfred and the Confessor had legislated, Bede written history, and Dunstan reared an ecclesiastical polity—when such propositions as these are gravely offered to the judgment of the House of Commons, I can but admire the simplicity of my hon. Friend in affording us so decisive a test of the credulity that could swallow all these monstrous fictions, which missionaries have invented for the sordid purpose of making out that the natives possessed and could convey to them a freehold tenure in their land. It can be of no advantage to the native race of New Zealand that we should compliment them by misunderstanding their social state. It seems to me rather a capricious squeamishness to begin to hesitate about applying the old name of savages to the first people of whom we are very certain that they are extensively, habitually, and rather obstinately addicted to cannibalism. But instead of disputing about the precise propriety of terms, which after all, are very vague, the best way to form an estimate of the condition of the New Zealanders is to compare them with other nations of whom we know more. No doubt they are in every respect very superior to some of the puny aboriginal races of New Holland. There is as little doubt that, except in so far as they have been affected by their contact with us, they are inferior to the Caffres, and to all the Indian tribes who peopled the West Indies, and the American Continent from the equator to Labrador. They were inferior to them in actual knowledge of the arts of life—inferior in numbers—inferior in warlike prowess. Their notions of religion were so vague that travellers can hardly ascertain their obscure and capricious

creed; and in all the arts of government they were deplorably deficient. You cannot for a moment compare their virtues with those of the North American Indian, while they possess in a greater degree all the vices of a savage. I speak of their condition as we found them. On the other hand, no doubt, they possessed qualities which rendered it far more easy to raise them in the scale of civilization, and reconcile their existence and well-being with European colonization. In place of that distinctive unsociability and indomitable aversion to change, which keep the Red Man in perpetual isolation from his white neighbour, the New Zealander combined with his native ferocity a docility more like that of the negro. Ready to adopt new ideas and new habits, it was easy to make him submit to new laws and engage in new occupations. It has been found easy to imbue him with a taste for European comforts—to teach him to employ his time either in raising those productions which the European demanded in exchange, or even to induce him to renounce his savage indolence, and become a fellow labourer or fellow sailor. The very deficiencies of his former condition removed all difficulty in defining his rights and modifying his habits. For as the forest afforded hardly any resource from the chase, the New Zealander, in truth, mainly subsisted on the produce of a rude agriculture; and though he was, no doubt, an idle labourer, still he was used to agricultural labour. Add to this that the physical distinctions of race produce no disgust on either side, and are so slight that the produce of a mixed union is hardly to be distinguished from the European. There certainly never was a case in which the right to occupy the vacant soil was attended with such perfect immunity from any necessity for interference with the savage, and none in which the facility of elevating the weaker race by amalgamation with the stronger, was so favoured by nature, so counselled by policy. And we were bound to take possession of New Zealand as the only means of elevating this race, and saving them from the destruction from which, as Europeans had got access to them, no means could be taken for rescuing them without the establishment of British authority in the islands. But it is said that it was their country, and that we had no business to take possession of any part of it. Of the race which I have thus described, there appear not to exist in the whole extent of New Zealand, more, if so many as 100,000 individuals. There is one little island which may be regarded as uninhabited. The Middle Island, far the largest of the three, we may call uninhabited also, as its inhabitants are supposed not to amount to 1,500, in an extent as large as England and the Lowlands of Scotland. In the southern half of the Northern island there are not 10,000 inhabitants. Almost the entire native population is to be found in the northern half of the Northern island. It is preposterous to expect that the existence of such a population, on portions of the soil of a vast country, ought to exclude the rest of mankind from turning the unoccupied soil to account. God gave the earth to man to use—not to particular races, to prevent all other men from using. He planted the principle of increase in us; he limited our existence in no particular soil or climate, but gave us the power of ranging over the wide earth; and I know no principle of reason, no precept of revelation, that gives the inhabitants of one valley in New Zealand a right to appropriate a neighbouring unoccupied valley, in preference to the Englishman, who cannot find the means of subsistence at home. I apply to the savage no principle which I should not apply to the most civilized people of the world. If by any unimaginable calamity the population of France, for instance, were reduced from the 35,000,000 which it now maintains, to 200,000, which is about the proportion of the population of New Zealand, and if these 200,000 were almost limited to Brittany and Normandy, and cultivated, as the New Zealanders do, no more than one acre in a thousand, do you think we should allow this handful of men to devote that fine country to perpetual barrenness? Do you think that every neighbouring nation would not deem itself justified in pouring out its destitute myriads to obtain their food from the soil on which weeds and wolves would otherwise subsist alone? It seems to me wicked to dispute the right of man to cultivate the wilderness. Justice demands, no doubt, that if civilized man, when thus seeking new fields for his labour, be brought in contact with a rude and weaker race, he is bound to treat his new neighbour with the utmost fairness and kindness. Not merely are we bound not to deprive him of any actual possession

which he enjoys, but justice requires that we should do our best to prevent his being thrown into a position of relative inferiority, and to ensure an improvement in his condition corresponding with the general improvement of his country. I know not how, in this respect, we can lay down any better principles than those always recognised, and almost always acted on by our ancestors. They never pretended to assert a right of depriving the Indian of his possessions. The principle of our law, in conformity with the general law of nations, was, that in settling among savages, it was not our duty to recognise in them any rights of which they themselves had no conception, or to create for them some fiction of right analogous to the proprietary rights of modern Europe. The rule laid down by Vattel, by all writers on the law of nations, and by our own lawyers, is, that in dealing with the savage, who possesses no notion of individual property in land, or of a power of alienating it, it is sufficient to recognise his right to that which he actually uses, and no more. The same writers have always maintained that the civilized man had a right to limit the Indian in his wasteful use of large tracts for the chase. In New Zealand no such difficulty occurred: the savage did not hunt; his occupations of land were as definite as any European fields; they consisted of the ground which he had actually cleared. If you left him this, what injury did you do him by occupying the remainder? You took from him nothing which any lawyer or moralist ever regarded as his property. The payments which were made to him were not the price of land; they were payments to secure his consent to our settling quietly in his neighbourhood. The real evil which you have to guard against, when you introduce a large body of European settlers into the immediate neighbourhood of an uncivilized race, is not the taking the soil which the latter did not use, but the change which you effect by bringing them into contact with a stronger race. Against the ill consequences of such a change we were no doubt bound to provide the savage with most sufficient guarantees and ample compensation. But compensation for what? Not for land, which was not his; but for the position of inferiority to which your very vicinity of itself tends to reduce him. And what species of compensation can you give him? Is it money? Translate money into the articles which money will enable the savage to acquire—into rum and tobacco, muskets and gunpowder—and I think that every man of real philanthropy will agree that the greater the amount which you confer, the greater the injury which you inflict on the object of your mistaken bounty.

"Be as lavish," said the New Zealand Company, in one of their letters to Lord Stanley, "be as lavish as you please of the ordinary materials of European barter: give clothing, arms, ammunition, tools, and tobacco, and what beyond the consumption of the day can you really give of value to the man whom you do not find possessed, and cannot at once endow, with a gift of foresight? Give more, and you only waste the surplus. And when the blanket is worn out, the second-rate finery turned to rags, the gun burst, the ammunition expended, the tool broken, and the drug has produced its hour of intoxication, at the end of a year or two, or even ten, what better is the wild man for your gift? At the end of the short period of enjoyment he and his race are beggars, amid the wealth that has grown out of their possessions; doomed, after a brief period of toil for the intruder, and of humiliation in his presence, to disappear from the land over which they once reigned undisputed masters."

I go on to read from the same letter the description of the provision which the New Zealand Company made for the natives:—

"It was to guard, as much as human care can guard, against such a result, that the New Zealand Company invented the plan of native reserves. To recompense at the moment, and comply with the exigencies of opinion, they paid down what, according to received notions, was a sufficient price. But the real worth of the land they thought they gave only when they reserved, as a perpetual possession for the native, a portion equal to one-tenth of the lands which they had purchased from him. This was a price which he could not squander away at the moment, but of which, as time passed on, the inalienable value must continually and immensely increase for his benefit and that of his children. Heir of a patrimony so large, the native chief, instead of contemplating European neighbours with jealous apprehension, as a race destined to degrade and oust him, would learn to view with delight the presence, the industry, and the prosperity of those who, in labouring for themselves, could not but create an estate to be enjoyed by him without toil or risk. Nor was this design confined to barren speculation. In every settlement which we have formed, a portion equal to one-tenth of town, as well as rural allotments, has always been reserved for the natives; in the lottery by which the right of

selection was determined, the natives had their fair chance, and obtained their proportion of the best numbers; and in the plans of Wellington, Nelson, and New Plymouth, your Lordship may see the due number of sections, including some of the very best in each, marked out as native reserves. Nor is this, even now, a valueless or contingent estate. At the most moderate average, according to the present rate of prices, the hundred acres of native reserves in the town of Wellington alone would fetch no less than 20,000*l.*"

This is my answer to all the calumnies that have been thrown out against the New Zealand Company, as being desirous of cheating and ill using the natives. They devised, and, while permitted, faithfully carried into effect, a plan evincing more forethought and real humanity than ever had been adopted before. The Select Committee of last Session honoured it with their approbation; and I rely upon finding their decision ratified by the judgment of all men whose philanthropy is not an idle cant. Malign us—destroy us if you will—you cannot deprive us of this undeniable claim to the merit of having devised the best and wisest plan ever yet conceived for the benefit of the aboriginal races among which our colonization is established. This value given to land which produced nothing before—this permanent property secured to them for ever, secured by British law against all the ruinous vicissitudes of their own barbarous condition—this was the real compensation we made the natives for permission to settle in their country. You may talk of our payments for land having been no adequate price for the land which we claimed. I do not see that you can say that it was not a fair price for that which was bringing no one any return—for mere leave to give a value to that which without us had no chance of possessing any value. As far as we can make out, it was probably more than what Penn has been so much praised for giving for all Pennsylvania. It was as high a rate of price as our Government has got for the greater part of the land in its Colonies, which we used, in fact, to give away—as much as until the last fifteen years we thought that the mere permission to occupy the waste was worth. But recollect that the New Zealand Company never pretended to regard these payments as the real compensation for the assent of the natives to their settling in New Zealand. That was to be found in the native reserves: in our taking the land which was worth absolutely nothing, and returning every tenth acre, after our labour had given it a far greater value than 1,000 acres possessed before. If these reserves had been turned fairly to account, while you have been keeping the whole country uncultivated for your petty squabble about, at the outside, some 5,000*l.* or 6,000*l.*, to be divided among some half dozen tribes, they might undoubtedly have by this time fetched three or four times that amount in the market. The truth, which the Colonial Office seems never to have been able to understand, is, that it is a very difficult thing, requiring much judgment, temper, and care, to preserve the savage from extermination and annihilation by the mere contact with a civilized race. Their notions of forbearance and justice seem to have been comprised in indulging his lawless habits, and enabling him to extort large prices for land. But if you leave the savage in the neighbourhood of the civilized, you leave him exposed to certain destruction, unless you excite a real sympathy between him and his neighbour. No laws, no care, no power of Government can save him, without the potent and constant action of such a sympathy. It was to produce such a feeling that, from the first, our policy was that of bringing about an amalgamation of the races. For this reason we did not form those native reserves, like the Indian reserves of North America, into large districts in which the natives were to reside, fenced off from the white population; but we interspersed them, section by section, among the settlements of the colonists. Our hope was, that we should convert the chiefs into proprietors. Our purpose was not with barbarous recklessness to obliterate the existing distinctions of the social state of the New Zealanders; and, on the plan of the missionaries, reduce all to an equality. We deemed it just and also politic to endeavour, when we deprived the New Zealand chief of his pre-eminence and authority as a chief, to give him, in an English state of society, the position of a landed proprietor. We meant the reserves to be the hereditary property of the chiefs. The mass of the population, we hoped, would be engaged in the same occupations as our own labourers. We looked to the facilities of union between the two races, and we

hoped that in the course of two or three generations, the two might become blended into one. Go through the history of the world, and I believe you will find no instance of an inferior race being ever elevated in the scale of civilization, except by such actual intermixture producing an entire amalgamation. Wretched, indeed, is the condition of every subject race which remains isolated amid superior neighbours. If numerous, it becomes a people of hewers of wood and drawers of water. In other cases the scanty and dwindling tribes of the Aboriginal race are preserved as a kind of show. I have seen the wretched relics of the great tribes that once ranged over North America, preserved under the care of missionaries in Canada, bereft of independence and all that gave them a kind of greatness in their savage freedom, and imbued them with nothing of civilization save the power of mimicking some of our forms. When I think of the Indians of Lorette and St. Regis, I cannot but feel that if a word of mine could influence the destinies of my own race, I would pray that they might cease to propagate their wretched line, rather than that any bearing the name of my countrymen should ever drag on an existence so useless and degraded. The project of amalgamating the two races was a large and benevolent, and I feel assured the only feasible scheme for saving the natives of New Zealand from degradation and annihilation. It has been thwarted by the prevalence of a narrow and unsound policy, of exactly the opposite kind, which had begun to prevail some time before. The policy of the Church Missionaries, as avowed by their Secretary, Mr. Dandeson Coates, in his evidence before the Committee of the House of Lords in 1838, was to prevent European colonization, to keep the natives from intermixture with settlers, and to govern them, he suggested, through the medium of the missionaries. Unfortunately, the most narrow and impracticable policy for some time influenced the measures of the Colonial Office. The right of Great Britain to New Zealand was indisputable. The islands had been discovered and formally taken possession of by Captain Cook in 1769. Since 1787, they had always been included in the Commissions of the Governors of New South Wales. These Governors had exercised their authority by appointing magistrates in New Zealand. From 1814, however, a series of measures had been adopted for the purpose, as it would appear, of tacitly waving the rights of the Crown, by classing New Zealand among foreign countries. This policy was brought to a climax in 1837, when our Government could no longer postpone establishing some kind of authority there. Instead of taking the rational course, by asserting the undoubted right of Great Britain over New Zealand, the Government determined, for the first time, formally to set up the monstrous fiction of treating New Zealand as a Foreign Power under a regular Government, and accordingly sent out Mr. Busby to be Consul or Resident. He was directed to acknowledge the flag of New Zealand, and in order that New Zealand might have a flag to be acknowledged, Sir George Gipps tells us that various flags were sent out to the chiefs of the Bay of Islands, out of which they probably selected that which consisted of the gaudiest colours. As if for the purpose of caricaturing all the rest, by attributing to these poor savages the power that marks the utmost refinement of commerce and international law, the chiefs were to grant ships' registers. Mr. Busby's next feat was to get some thirteen chiefs of some small tribes in the northern extremity of New Zealand, to form themselves into a body under the style and title of the "Confederated Chiefs of the United Tribes of New Zealand." He got them to issue a "Declaration of Independence," wherein, following out the American model, they declared themselves to be a Congress, with the power of making laws; and then, oddly enough, wound up their declaration of independence by placing themselves under the protection of the British Crown. Why, now, all these proceedings—what are they, but what Mr. Carlyle, in his emphatic language, calls "lies" and "shams?" Mr. Busby tells us, he was in truth accredited to the missionaries: his diplomatic character to the native chiefs was a "sham." The flag was "a sham;" the ships' registers were "shams;" the Confederation of chiefs, who, as Lord Normanby says, "were incompetent to act, or even to deliberate in concert," was a "sham;" the Congress composed of these men, whose only notion of settling a difference was, not by counting votes in a division, but by killing and eating one another, was a

"sham;" and the Declaration of Independence was a "sham" document, written by Mr. Busby and the missionaries, and signed by a set of persons whom no earthly credulity can imagine to have understood one word of that to which they affixed their marks. And now, Sir, may I ask the right hon. Baronet, who one evening came down on us with a strongly worded passage from one of our own letters, in order to represent the New Zealand Company as regardless of the faith of treaties; was it, after all, so very indecent, when speaking of such acts as these, to designate them as "devices to amuse savages," rather than as grave acts of State, indicating the resolves and regulating the relations of rational men and high contracting powers? Truth, Sir, is after all, the safest thing in public business; and even where solemn grimace and fiction appear most harmless, these are too apt to cause some unforeseen entanglement, which leads to serious mischief. So was it in this case. There came a time when all this foolery had to give way to reality. In the year 1839, the New Zealand Company, after long negotiations with the Colonial Office, found itself disappointed in its hopes of forming a Colony under the sanction of the Imperial Government. A large body of emigrants of the most respectable class had sold their property, given up their professions, and, in fact, broken up their connexions in this country, with the intention of making New Zealand their future home. As these people had been brought into this position by no fault of their own, the Company determined that it was its duty to aid them in carrying out the purpose, which was now, indeed, no longer matter of choice to them. As Her Majesty's Government had declared New Zealand to be an independent State, and allowed all others of its subjects to establish themselves there under the native authority, they deemed that they, too, might purchase land of the native chiefs, and establish settlers there. They accordingly despatched a preliminary expedition for the purpose of surveying the country, and sold land to the intending colonists. At the same time an even graver cause acted on the indecisions of our Government. It came to their knowledge, that in consequence of the public parade of repudiation of our sovereignty over New Zealand, the French Government, in open defiance of the New Zealand flag, without the fear of the Congress of the confederated chiefs of the united tribes before their eyes, were going to do what a similar adoption by us of the missionary policy actually has enabled them to do in Tahiti, and were preparing an expedition for the purpose of planting a Penal Colony in New Zealand. Luckily my noble Friend the Member for Tiverton was then the guardian of British interests at the Foreign Office. He demanded explanations of the Colonial Office; and Mr. Stephen wrote him a long and ingenious letter to make out a case that the rights of the British Crown had been effectually compromised by the words which the Colonial Office had slipped into Acts of Parliament, and by the ruinous absurdities which it had enacted through the medium of Mr. Busby. My noble Friend was not a man, if I may use a familiar phrase, to stand any such nonsense, or abandon to France the most important of Her Majesty's possessions in the Pacific. The result was, that, almost at the same time as the first expedition of the New Zealand Company's colonists, Captain Hobson was despatched as Consul to New Zealand, with instructions to get possession of the country, and a contingent Commission as Governor in his pocket. His instructions were to procure the cession of the Northern island from the chiefs; and the result of his compliance with his instructions was the Treaty of Waitangi. The spirit of moderation and conciliation which dictated this desire to secure the goodwill of the natives, while asserting our undoubted rights, is most commendable; and I certainly should say nothing against the Treaty of Waitangi, had it been estimated at its proper worth, as an arrangment between Governor Hobson and the native chiefs, whose goodwill it was necessary to secure. But when an attempt is made to elevate this Treaty to an equality with the Treaties of Westphalia and of Vienna, to make it the basis of a system of law, and to rest on it our title to the possession of New Zealand, I must pray the House to pause a little, and inquire into the intrinsic worth of this document, before we abandon the sound title of discovery, and rest our rights on the cession which was thus procured. Captain Hobson first proceeded to deal with Mr. Busby's Congress, and having got them to meet at Waitangi, he got some of them to sign the Treaty. Subsequently he

got the signatures of some other chiefs in the same part of the island, and sent off Major Bunbury in the frigate to procure the signatures of the chiefs of Cook's Strait, and the Middle and Southern islands. At the same time he despatched Mr. Henry Williams, a missionary, who had evinced much skill in getting land for himself from the natives, to procure signatures in other parts. On the east coast another missionary was entrusted with the task, and he, not having leisure to get through it by himself, entrusted the paper to a young skipper, who appears from his name to be a Swede, and begged him to get as many signatures as he could. In all those cases the one uniform consideration for the transfer of allegiance was a blanket per signature. No one got the blanket who would not sign; everybody got one after signing. In some cases our diplomatists were obliged to throw in a little tobacco. I am not sure, but I think I read somewhere of one case, that of a chief who was found fishing, and got up to sign the Treaty in the ship's cabin, in which it was necessary to give him a glass of rum in addition before he would sign. But the gravest objection to these proceedings was the studious avoidance of that perfect publicity which alone could have satisfied the world that the transaction was effected in good faith, and understood by the natives. At Port Nicholson, where there was a considerable number of our settlers, Mr. Williams carried on his negotiations in such secrecy that none of the white people knew what he was about, till he had got from one chief in one hole, and another in another corner, their adhesion on the part of their nation to the abdication of their national independence. Such was the mode, such the inducements, by which the chiefs were got to enter into what Lord Stanley calls a "solemn engagement of the British Crown." The getting the acquiescence of the chiefs to our settling in their neighbourhood, and even the purchasing that acquiescence with some hundreds of pounds' worth of blankets and tobacco, was all perfectly right in substance. In fact, it was just what the Puritans, and Lord Baltimore, and Penn had done, only with none of this fuss and humbug. But what I do greatly object to is, the attempting to give all these shams of independence, and confederation, and treaty, an air of reality, and to build on them consequences affecting the future government of an important Colony. All the fictions in the world won't alter the character of the New Zealander, won't create institutions which neither existed, nor were consonant with the character of the people, and won't give any real value to a Treaty which wants the first requisite of all contracts, that of being understood by both parties to it. It is utter nonsense to pretend that the New Zealand chiefs understood what it was they did when they acknowledged the Queen of a country of which they knew nothing, as their Sovereign, or what they obtained in return when Her Majesty imparted to them all the rights and privileges of British subjects. Look at the last despatches, and you will find abundant evidence that the natives generally repudiate the Treaty, and declare they did not understand it. By such a Treaty you could in truth acquire no rights you had not got before, and you would not be justified in enforcing or executing any stipulation incompatible with the well-understood interests of the people with whom you made it. This Treaty makes no change in the far more solemn duties which the morality of civilization and humanity imposed on you before. Civilized nations you hold to the strict letter of treaties. But you have no right thus to get rid of the obligations which your immeasurable superiority imposes on you with regard to those children. You could not be justified in enforcing on these people their part of a bargain which they did not understand. They became subjects of Her Majesty. Could you equitably avail yourself of the Treaty to apply the penalties of treason to a refractory chief? No one believes your right to New Zealand to be founded on cession. You have the most righteous of all titles, that of discovery, that of planting yourselves first on an unoccupied soil. But if you hadn't that, who would attach any value to this cession by chiefs who did not know what they were doing when they ceded—who had no authority to cede—whom, in fact, you would appear to have recognised as independent and sovereign, merely to give a colour to their cession of that independence and sovereignty to yourselves? But the assertion that our right to New Zealand is founded on the Treaty of Waitangi is simply an untruth, which a mere reference to dates and formal documents will correct. The first signatures of the Treaty were got some time in February, 1840, but

none had been got anywhere except in about one-half of the Northern island by the 21st of May, when Captain Hobson took final possession of the whole island in virtue of this partial cession. No human being had ever pretended that the chiefs who signed were in any way the representatives of those who did not sign, or had any power to bind them by their acts; and therefore a cession by the former could give no right over the latter. To say that the Treaty gave us right to more than half even of one island is, therefore, palpably inconsistent with fact. But with regard to the Middle and Southern islands, there is not a pretence of taking possession of them under the Treaty. Only two chiefs in those islands ever signed the Treaty, and none had signed it when Captain Hobson asserted Her Majesty's sovereignty over them, in a different proclamation from that by which he assumed possession of the Northern island in virtue of the cession. In fact, as Sir George Gipps has stated, the Crown took possession of the Southern and Middle islands in virtue of discovery. When Lord Stanley alleged the Treaty of Waitangi as his plea for not giving us our land, we have always replied that that Treaty did not in fact apply to that part to which our claims in the Northern island were limited; that no one had ever pretended that it had any force in the Middle island; and that therefore the Treaty could not prevent his fulfilling his engagements. To this argument we never could get any answer. But, in truth, it is not as interfering with the Company's claims that I object to the Treaty of Waitangi. Its provisions have, I know, been quoted against us; but I think I shall be able to show that if the Treaty had been rationally, fairly, and consistently interpreted, it would not, in the slightest degree, have interfered with us; and I should be as loth as Lord Stanley can possibly be, to fail in performing what we had really promised the natives. The Second Article of the Treaty of Waitangi—

"Confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties, which they may collectively or individually possess," &c.

This is the common provision, on taking possession of any country, for guaranteeing to the inhabitants the peaceable enjoyment of their property. The question arises, What is that property so guaranteed? It is not rights of sovereignty; it is private property. We had, then, to look to the state of New Zealand. We found it inhabited by a race certainly in the condition of what we always call savages. Nothing is more clear than that individuals never possessed property in the soil. The chief allotted to each member of his tribe the portion which he deemed it right for him to have to cultivate; but the individual had no right in the spot after his crop was out of ground, much less could he alienate it. Even the tribe had no idea of the peaceful alienation of land, until it was suggested to them by Europeans. It is true the chiefs said, as our opponents argue, the country is ours from the coast to the mountain, from this headland to that, from this river to the other. In this way, the whole of New Zealand, as the missionaries tell us, was claimed by one tribe or another. Mr. Dandeson Coates gives as a proof of this, that a missionary was told by a native that when Dr. Dieffenbach wanted to ascend the snowy volcano of Tongariro, he was prohibited by a taboo having been laid on it; and it is a pretty sample of the way in which the public is gulled, that he adds, on the same authority, that the natives said that Dr. Dieffenbach had offered money to go up; that they refused his gold, but would have permitted him to gratify his curiosity had he offered them Bibles. Now Dr. Dieffenbach had published his account of the matter in his "Travels," at least two years before the date of Mr. Coates's pamphlet. He says nothing of this fine story of the Bibles; but simply tells us that the natives would have let him go up for four sovereigns, but as he had not the gold with him, would not take goods of the value. He says the reason of the refusal was, that the chief kept up a tradition that this mountain was the backbone of his ancestor; and had therefore tabooed it from human foot. Why is this a claim of property? It is a superstitious consecration of a sacred spot. And all these alleged claims of the chiefs are not of property which the Treaty guaranteed, but of sovereignty, which the Treaty did not guarantee. What, then, were the rights of property which the Treaty guaranteed? Construe the Treaty by the rules of our law, fertile in precedents on the subject, and we find that that law recog-

nises occupancy as the sole property which savages could possess. But we are not in want of a formal expression of the intentions of the Government which had accepted the Treaty of Waitangi, and formed New Zealand into a Colony. Look not, as Lord Stanley directed the New Zealand Company to do, to certain vague expressions, in which Lord Normanby had loosely intimated his future intentions, but to the interpretation which Lord John Russell put on the stipulations of the Treaty when he had it before him, and was acting on it, in documents of more than usual formality and precision. In the Charter erecting New Zealand into a Colony, and in the instructions given under the Sign Manual to its first Governor, we find the formal exposition of what was to be regarded as the property of the natives; and this was in exact conformity with the general principle of our law. After giving the Governor a power to grant the waste lands of the Crown, the Charter goes on to say—

"Provided always that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand to the actual occupation or enjoyment, in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives."

This is the provision for the native rights guaranteed by the Treaty; and these rights are limited to "actual occupation or enjoyment," which, as enjoyment is an even narrower word than occupation, and is synonymous with use, shows that Lord John Russell limited the rights guaranteed by the Treaty to the lands occupied by the natives. The same words are repeated in the formal instructions. From all this evidence, there can be no doubt that Lord John Russell, at the time, interpreted the Treaty of Waitangi as leaving the Crown a right to all land not occupied by the natives. With their occupations nobody ever wished to interfere; and with regard to all the rest of the land, am I not justified in regarding the Treaty of Waitangi as not being, in the slightest degree, inconsistent with the common-law right of the Crown to the waste lands of the Colony? But I am not going to press against the just rights and welfare of the natives of New Zealand the rules of our law, and the meaning attached by us to the Treaty, coincident as they are with those which great moralists and writers on international law have laid down as applicable to our dealings with savages. Was it for the real well-understood interest of the natives to put them in possession of a property which they had not before—to place this large extent of land at their disposal? Why, suppose the effect to be, that at first, they were to get, in one or two cases, large prices for some land. I say, that every such large price given to the savage, to be spent in the gratification of his passions, is so much poison administered to him. But the evil would not stop there. The speculators would soon find that such bargains did not answer, and the sales would cease. The settlers would find the rights of the natives interfere with the one great necessity of their existence, namely, the extension of their cultivation; they would learn to regard them with hatred; and you would produce a feeling on the part of the stronger race, for the existence of which no money could compensate the weaker. The white people would become unscrupulous in their mode of acquiring land; as they would be less eager to buy than the savage to sell, they would easily beat down the price; they would tempt him by the means of instant gratification; rum and gunpowder would become the direct instruments of exchange; and, as the extermination of the native would be the interest of the settler, every art of superior intelligence would be directed to that horrible end. I am not representing human nature in too black colours, as the experience of America too well proves, when I assert this to be the certain result of calling such motives into action by such a policy. Investing the savage with a property in land, is merely giving him that which, in truth, is a lure for the despoiler. It is as if you should set a value on his skin, to tempt the white man to murder him for its acquisition. Compare this with our scheme of native reserves, and tell me which was conceived in the wisest spirit of kindness to the native—the plan which assured him for ever a property ten times as large as he had ever occupied, with a value given to it by the labour of Europeans, and a peaceful amalgamation with these Europeans—or that which, by nominally investing him with the brief possession of an useless property, brought him into fatal collision with the race which

must be the master of New Zealand? I say the latter was the device of bad friends—false friends, I think, would not be too harsh to say, as applied to the Church missionaries, to whose practices of land-sharking it was necessary that the native should be put into a position in which he might dispose of his land to his advisers. The erroneous interpretation was, however, given to the Treaty. Every claim set up by the natives throughout the island was admitted, till they were, in fact, acknowledged to be the proprietors of almost the whole soil. I find, that in the address, of which I spoke before, the Legislative Council states, that inquiry had shown that the Crown could not, at the outside, claim more than 1,700,000 of the 60,000,000 acres of available land in New Zealand; and that the other 58,000,000 of acres were the private property of 100,000 natives, who had never cultivated 100,000 acres. The Crown, being under engagements as to about 1,500,000 acres, has, in fact, about 200,000 for its whole demesne. All the rest is to be the property of the natives; and, in their hands, is to be the prize of land-sharks, and the cause of their own ruin. There was one safeguard against the fatal evils which I have described. By the Treaty of Waitangi, the natives conceded to Her Majesty the pre-emptive right over all their lands. At the foundation of the Colony, it had been most peremptorily forbidden to Europeans to purchase from the natives; and the Crown had asserted its undoubted right that the native should sell to none but itself. This, at least, secured the Crown the disposal of the lands of the Colony among the settlers; and it guarded against the mischief of which I have spoken as certain to result from any direct dealing for land between the native and the white man. Accordingly, those whose interest it was to revive the land-sharking, set on the natives to complain of this Article in the Treaty, which was the one especially beneficial to them; and so the latter began to repudiate the Treaty. The Government bought some land from a tribe at Mongonui; another chief said the land was his, and attacked the settlers. The upshot was a battle between the two tribes, in which fifty were killed. Instead of conciliating the natives, this unhappy attempt to make them proprietors of the whole soil produced nothing but dissension among themselves, and dissatisfaction with the Government. Mr. Busby, in a recent letter to Lord Stanley, of January, 1845, attributes all the distrust and all the resistance of the natives to this cause. This led to an act which entirely subverted the whole policy laid down by the Government since the foundation of the Colony. But I will give you Captain Fitzroy's own account of the circumstances which impelled him to the course which he took. On the 15th of April, 1844, he writes—

"Meanwhile the natives have been clamorous to sell their lands. They called on the Government to buy, or let others buy; and great discontent has been caused among them by the inability of the Government to do either. But while they called on the Government to buy from them, it was at a price wholly out of the question. They said, 'Let the Government give us as much as it receives from others, or let them buy from us. By the Treaty of Waitangi, we agreed to let the Queen have the first choice (the refusal) of our lands; but we never thought that we should be prevented from selling to others if the Queen would not buy. Is it just to us that you will neither buy at a fair price, nor let others buy, who will give us as large a price as they give to you, after you have bought from us for a trifle?' In this state of affairs, unable to buy land for two most cogent reasons—one, the exorbitant demands of the natives, and the other, having neither money nor credit; beset daily by the importunate demands of powerful tribes, seeing that no sales of land for money could be expected, under the existing circumstances already described (referring to the Company's lands, and those of the old settlers, to be brought into the market), I determined to take that step which I proposed in a letter to your Lordship, dated 16th May, 1843, on which a qualified opinion was given in your Lordship's answer, dated June 26th ultimo."

That is, he determined to allow individuals, under certain regulations, to buy land direct from the natives on payment of 10*s.* an acre to the Crown, and issued a proclamation to that effect. This was approved by Lord Stanley, who had himself, two years before, carried through this House the Land Sales Act, whereby the Crown engaged to sell no land in the Australian Colonies for less than 1*l.* an acre. [Mr. *Hope:* The Act included New Zealand.] Yes, the Act expressly included New Zealand. I do not see how waving the pre-emptive right differs from selling lands. I think it would be difficult to make out that land sold by a native to an European does not, by the

sale, vest in the Crown; and how its sale, on payment of 10*s.* an acre, can be anything but a violation of that Act. But it is clearly an infraction of the equity and policy of that Act—it is a clear fraud on those who had purchased land from the Crown at 1*l.*, on a distinct Parliamentary guarantee that it would never sell for less. However, this did not satisfy the natives; and, in September, Captain Fitzroy issued another proclamation, whereby he lowered the payment to the Crown from 10*s.* to 1*d.* an acre. There is something about the Government approving the transaction with the native; but we may estimate as absolutely worthless the control of the Government over the transaction, of which the completion is desired by the native, whom you have authorized to drive what bargain he chooses. Here, then, is the result. After the assertion of the pre-emptive right in the Treaty of Waitangi —after annulling all purchases prior to the establishment of sovereignty, except to the extent of an acre for 5*s.*—after passing a Land Sales Act, fixing the price at a minimum of 1*l.*—and after selling land at that price, your Governor, with one stroke of his pen, allows any person to buy from the natives the whole soil of New Zealand for 1*d.* per acre. And I cannot blame the Governor. I shall hardly be suspected of undue favour to Captain Fitzroy; and I declare that his penny-an-acre proclamation seems to me to be the legitimate logical result of the interpretation which he and Lord Stanley put on the Treaty of Waitangi, and the proprietary rights of the natives. On that basis, I do not see how he could act otherwise. It is not him, but the Minister who directed that interpretation, that I blame for the mischief of this last step, which has deprived the Crown of all control over the disposal of land in New Zealand, cut off the resources of colonization, and left the unhappy native a prey to all the evils of land-sharking, in its most extravagant and unchecked extent. Lord Stanley, who, through his whole correspondence, seems never to have imagined that there was any object in fixing a price on Colonial lands, except to bring money into the Exchequer, has become sensible of the awkward position in which the Crown must be, in a Colony in which it has no land; and he suggests a device for getting land from the natives, which would be repugnant, I should think, to the morality of those whom I am addressing. He has taunted the New Zealand Company with a wish to set aside the obligations of the Treaty of Waitangi. Had they done so, it would have been very wrong; but it would not have been half so bad as parading a sense of those obligations, and, at the same time, endeavouring to chouse the other party out of the benefit of them. In the letter of August the 13th, in which he announces to Captain Fitzroy the Report of the Committee of last Session, and tells him not to mind its main recommendations, there is, however, one suggestion which he treats quite differently, and that is the suggestion of a tax of 2*d.* an acre on all land. The Committee had proposed that lands actually occupied and enjoyed by the natives should be exempted from this tax. Lord Stanley then goes on to say—

> "It is, of course, intended that the tax should apply to all lands claimed as the property of native tribes, and not in actual cultivation; and I presume it is contemplated that non-payment of the tax shall be followed by confiscation of a portion of the lands equivalent to the amount of the tax unpaid."

Now, the Committee clearly meant no such thing; for, as they had just before said, that all lands in New Zealand not granted, and not actually occupied or enjoyed by the natives, were Crown lands, they never could have intended anything so absurd as that the Crown should tax its own waste lands, and confiscate them for its own non-payment to itself. But we might fairly suppose that Lord Stanley, after three pages of assertion of the native rights to the whole soil of New Zealand, would have remarked that the Committee, who had limited those rights to actual occupation, might naturally think, that by exempting these occupations, they met the whole justice of the case; but that that single exemption would leave subject to tax and confiscation that infinitely greater extent of uncleared land, which he and the Captain regarded as being just as much the property of the natives as the land which they occupied. We might have expected him to add, that however acknowledged the justice and policy of a tax on land, granted by the Crown on a well-understood liability thereto, no Government had ever ventured on the monstrosity of putting a tax on unoccupied land, which never had been granted by the Crown; and that to

confiscate, on this pretext, the land which a Treaty had guaranteed to the original proprietors, would have all the injustice of Pennsylvanian repudiation, without its openness. But Lord Stanley says no such thing. He tells Captain Fitzroy, that he may have some difficulty in dealing with the tribes only partially subject to his authority, and that with all he will have to go gingerly to work. He adds—

"Though, if it can be peacefully effected, it would appear to suggest an easy mode of obtaining a large amount of disposable land."

As easy as robbery always is to the stronger party! And this is the end of all Lord Stanley's respect for Treaties and native rights! He loudly declares that the whole land is the native's, and that he will protect him in it against all attempts to take it from him; and he tips his Governor the wink, and says slyly, "clap on a land tax, and you'll get the whole in a few years." Such, Sir, is the position into which the policy of the Government has brought the great question of the disposal of the lands, so vital to the future interests, not only of colonization, but still more of the native race. But the misgovernment of the Colony has been of too varied a kind to admit of charity attributing it to a mere error of judgment with respect to the interpretation of a Treaty, or a single question of proprietary rights. This is but one part of a policy systematically hostile to the colonization of New Zealand—for that, in truth, has been at the bottom of the whole mischief—the hostility felt by the Colonial Office to the colonization of New Zealand. The means employed have always been the setting up the interests of the natives as opposed to those of the Europeans. The Colonial Office originally endeavoured to prevent the occupation of New Zealand, by the fiction of treating it as an independent country, unavailable for European settlement. The force of circumstances, and especially the proceedings of our Company, forced them to make it a British Colony. But they did so against the grain; they conceived an implacable resentment against those who had had a share in producing this result; and, with the single exception of what was done here during my noble Friend's administration of the Department, every act and every word of themselves and their subordinates marks a determination to bring to a disastrous issue an experiment which had been forced on them, and to punish those who had had any share in inflicting that mortification on them. The system of the Colonial Office is one which invests their functionaries with a degree of arbitrary and irresponsible power unknown in any other Department of our Administration. Their pride was shocked by the existence of a voluntary association of gentlemen of rank and influence, who employed themselves in founding Colonies, and had an interest in regarding their interests; and any one in their place would have required some little magnanimity and wisdom to regard our Company as an ally and instrument rather than as a rival. We have been blamed by the Committee for forming our first settlements in defiance of the Government; and it has been said by others, that all subsequent difficulties have sprung out of this false step. I have already explained the causes, which, in a manner, forced this step on the Company. If there were any justice in the accusations of irregularity and temerity, which are sometimes thrown out against the Company, I would beg to remind you that we have it distinctly avowed by M. Guizot in the tribune of the French Chamber, that it was the circumstance of our expedition going exactly as early as it did, that alone prevented France from planting a Penal Settlement in New Zealand; and I think I might ask you to excuse, and even to approve, the happy temerity which saved New Zealand from the grasp of France, and prevented the possibility of its becoming the cause of a European war. Besides which, if there were any real culpability in our act, it was one of which the Government could have repaired all the consequences by a faithful fulfilment of the agreement which Lord John Russell afterwards made with us. By that agreement the Government, in fact, adopted our past acts, and bound itself to prevent any evil consequences which were likely to result from the irregularity of proceedings which it thus adopted and rewarded. Nothing, indeed, could have been conceived in a wiser and more generous spirit than the course which Lord John Russell adopted, on receiving the news that New Zealand had become a British Colony. He adopted instant measures to put an end to past disputes, and give a security to all the interests that had sprung into existence before the establishment of British authority in New Zealand.

With this view he made the agreement of November, 1840, with the New Zealand Company, and incorporated it by Charter. We certainly hoped, that by this arrangement all past differences were for ever settled. Unluckily, however, the spirit which animated Lord John Russell, did not extend itself to Captain Hobson and his staff, who had gone out imbued with the notion, that the first duty of a Governor of New Zealand, was to thwart the New Zealand Company. Our settlers, on leaving England, to live in a country in which no law prevailed, had formed an engagement to live under a voluntarily constituted authority, of their own selection, from among themselves. Undoubtedly, it was unseemly to publish this in England; but when the settlers got out to New Zealand, I know nothing more natural and necessary, nothing more innocent, in the way of fiction, than their combining thus to supply the want of regular government, by enforcing English law under the nominal authority of Epuni and Warepori. Captain Hobson, whose own paramount idea appears, from his despatches, to have been a feverish anxiety to keep up his dignity—took great umbrage at this as an encroachment on the said dignity, declared it to be high treason, and sent his Colonial Secretary, with thirty soldiers, to suppress 1,500 insurgents, who received him, and submitted to his authority with all possible delight at once again being under British rule. This was the Governor's first introduction to the bulk of those placed under his authority. But it would have been well if this ridiculous animosity had gone no further than such pettish exhibitions. Unfortunately, Captain Hobson was entrusted with the important duty of determining where the seat of his Government should be; and the mode in which he exercised this power is the origin of much of the mischief that has occurred in New Zealand. He planted the seat of Government at the end of the island most distant from the Company's settlements, and the consequence has been a systematic hostility between the local Government and those settlements, and a practical denial to the latter of all the benefits of government. The Colonial Office has had a great many very wise authorities to prove that Auckland is the very best possible site for a capital. It seems to me that the primary error of the Government was the ever imagining that this was a matter in which they had any but a very limited discretion. If they had undertaken and discharged the duty of colonizing New Zealand—if Captain Hobson had gone out at the head of the great body of colonists, it would have been for him and his followers to determine where they would fix themselves. But, as Captain Hobson went out to govern people who had settled themselves before he arrived, it seems to me that his business was to plant the Government where it should be most convenient to them. The Government possessed no means of colonizing New Zealand. It had not, then, taken any emigrants there, and never did take more than 800, besides some convicts from Parkhurst. The only body likely to do anything for the colonization of New Zealand—the body which, in fact, has planted there 10,000 out of its present number of 14,000 white inhabitants, was the New Zealand Company, of which all the property was on the two sides of Cook's Strait. To fix the future metropolis of these islands was not within the power of man. A hundred accidents may influence the ultimate determination of the spot; the first seat of a Colony has hardly ever been its capital in the end; and in the meantime it is the business of a Government to wait the result of events, and govern the people wherever it finds them. Captain Hobson should have established himself in the district to which population had directed itself, or was tending; and even if his judgment pointed out to him objections to the choice of the settlers, the only difference which this would have made to a wise man, would have been inclining him to be very cautious of taking any step that should commit him permanently to that spot. But apart from this consideration, it seems to me there was a reason which, if there had been no New Zealand Company, and no emigrants already planted in New Zealand, should have determined Captain Hobson to exercise whatever influence he had, to direct the stream of settlement to any quarter but that in which he fixed the seat of Government. The Governor was wanted for the colonists—not for the natives. The less he interfered with the latter at first, the further he kept himself and the European population apart from them for a while, the less the chance of jealousy and collision, and the greater the extent of unoccupied land,

Desirable as amalgamation was, the approaches to it required to be gradually made. The bulk of the natives were about Auckland. The missionaries were already there, and might have been relied on for exercising all the influence which it was necessary for Englishmen to exercise. The true policy surely was to get the bulk of the settlers as far as possible away to the southward, where the natives are most scanty, and the largest amount of untouched land lies open to the settler. Captain Hobson planted his capital in the midst of the most populous and warlike tribes. It is just the part of New Zealand in which his interpretation of the Treaty of Waitangi rendered it most difficult to get any considerable amount of land; and just that in which the authority of the Crown would most immediately be brought into collision with the lawless savage. The necessary evils of this selection of the seat of Government, at a distance from the great body of the people to be governed, were aggravated by a policy in the sale of lands which led to the wildest speculation. The Government sold their lands by auction—puffed them off by advertisements enhancing their prospective value, as the site of the metropolis of New Zealand; and by thus encouraging competition, succeeded in running up the price so high that they got 38,000*l.* altogether as the produce of the land-sales in the first year, and actually got 21,000*l.* for twenty-six acres of land. They got it once; but they exhausted the capital of the speculators, destroyed their land revenue at the very outset, and doomed Auckland to the beggary and stagnation in which it has ever since floundered on. But, in this scramble, interests were raised, which have fatally influenced the policy of the local Government towards the distant settlements. By a reprehensible favouritism, the whole body of Government officers were allowed to get possession of all the best spots in the new town, so much so that the part of the beach which fronted the best part of the harbour, received the nickname of Official Bay. Of course the whole body of officials had thenceforth the most direct interest in raising the value of their own property, by counteracting the progress of what they regarded as rival settlements. They acted on this feeling most unscrupulously. Poor Captain Hobson, who, I believe, was a man of honour, and had possessed some little ability, was enfeebled in body and mind by a paralytic stroke, and completely a tool in the hands of those who surrounded him. They got him to write home despatches, depreciating our settlements, which he had never seen, and bearing all the characteristics of emanating rather from a country shopkeeper elevating his own concern by running down his rival, than from a Governor exhibiting an equal regard for the well-being of all who had been placed under his charge. The practical results of this animosity were exhibited in denying the Company's settlements all the advantages of government, while they were made to contribute far the greater proportion of the taxation of the Colony. Two magistrates were appointed to our settlements, who, after doing all possible mischief, were obliged to leave for the most scandalous misconduct. The office of Chief Protector of Aborigines, requiring the utmost temper and judgment, and what we call the feelings and demeanour of a gentleman, was conferred on Mr. Clarke, the gunsmith catechist, who had the further qualification of having got 5,000 acres in the neighbourhood of Auckland. He appointed to the delicate office of sub-Protector at Wellington, his son, a raw lad of eighteen, whose only qualification was talking the native language, and whose meddling has been the cause of half the subsequent mischief. Captain Hobson got so involved in this hostility to the Company's settlements, that he was actually induced to employ the Government vessel, at the public expense, in crimping for Auckland the labourers whom the Company had been at great expense in sending out to Wellington. But the distance is the irremediable evil. There is no land communication; that by sea is long, rough, and uncertain. There is no regular trade between Auckland and Cook's Strait, and, when you want to go or send from one place to the other, you have to charter a vessel expressly for the purpose. It is really impossible to conceive an arrangement by which the great bulk of the colonists could be more thoroughly deprived of the protection of the Executive and the laws. Nevertheless, Sir, in spite of all this mismanagement, the Company's settlements went on, and new settlements were formed at New Plymouth and Nelson. And here, as not having been then a member of the Com-

pany, or in any way a party to the measures which I praise, I may, without any reserve, express my admiration for its system of colonization. By expending in emigration 15*s.* out of the 20*s.* or 30*s.* paid for every acre sold by it, it secured a large supply of labour to its settlements. By this means capitalists were induced to embark in the new Colony. The settlers were not left to chance or their own efforts for the construction of roads and public works. The Company, without being under any obligation of the kind, opened a large extent of roads into the interior, at Wellington and New Plymouth. At Nelson, it augmented the price of its land, in order to have a fund to devote to public works. It went further. It sought to provide, not merely the means of material comfort and progress to new settlements, but to give them, from their very origin, those institutions whereby the higher objects of civilized and Christian men are furthered. It devoted a portion of the purchase money to the foundation of educational institutions, and another to the endowment of the bishopric which had been established through the exertions of the founders of the Company. So impressed were the public with the value of such institutions, that we found them ready to embark larger sums for settlements in which these advantages were secured, than in those where we had undertaken to provide merely a supply of labour. In the same space of time we sold more acres for 30*s.* a piece at Nelson, than we had sold for 20*s.* at Wellington. And the result of our system was such a commencement of colonization as had not been seen for two centuries. We got men of property to invest it in New Zealand, with the intention, not of making a rapid fortune by speculation in land, but of making their home and that of their descendants in that distant country. We got men of the first rank and family to become settlers, and we thus contrived to join, with the simplicity and enterprise of a new society, the refinement of English manners, and the control of a public opinion congenial with our own. On one point of paramount importance in our dealings with the public, we have the most satisfactory evidence in our favour from the Government itself—I speak of our treatment of the emigrants who were carried out to New Zealand. To this you will find the most handsome and unequivocal testimony borne by the Land and Emigration Commissioners in their Reports, and by a gentleman in their department who was examined before the Committee. And here, too, let me notice a misapprehension respecting the Company, natural enough to those who, without knowing its history, suppose that, like other joint-stock companies, it must have been formed with a view to pecuniary profit. It was not the wish of those who originally associated together with the intention of carrying out their views of colonization in New Zealand, to make their enterprise in any way a source of profit to themselves. You will see by the Company's Petition, that not only did its founders contemplate no joint-stock speculation in their original plans, or in Mr. Francis Baring's Bill of 1838, but that their repugnance to such a speculation induced them to reject Lord Glenelg's offer of a Proprietary Charter; and that it was only after the failure of all attempts to effect the colonization of New Zealand through the agency of the Government, that they undertook to form settlements, and for that purpose to become a joint-stock company. That the enterprise has been anything but lucrative is well known. It may be said, that that was a result which the Company did not contemplate. But a few facts will show that it never contemplated the making large gains. The price at which we have sold our land is incompatible with any large gains. We have sold rather more than 140,000 acres at 20*s.* an acre, and somewhat less than 90,000 at 30*s.*; of the 20*s.* we have devoted more than 15*s.* to emigration, and of the 30*s.*, 25*s.* to emigration and public purposes in the Colony; leaving, in all cases, only 5*s.* per acre to defray the expenses of our establishments, to replace our original expenditure, and to furnish a yearly dividend. We have been reproached with having made a dividend of 10 per cent. The simple truth about our dividends is, that for the first year the proprietors had no dividend. To make up for this, for the next year, or year and a half, the Directors declared (as the actual sales justified them in doing) a dividend of 10 per cent. Since then, there has never been a dividend of more than 5 per cent. You will see how perfectly insufficient this dividend must be, when I remind you that, as it resulted from the absolute alienation of our capital, the di-

vidend would have to replace that capital of 300,000*l.* as well as to provide a yearly profit. I do not say that if the Company were now in possession of the property to which it is entitled, and allowed to continue its operations without hindrance, it might not make a good profit; but I say that to do so its operations would have to be conducted with more regard to its own gains, and less regard to the progress of colonization, than has hitherto been our system. I may add that the shares of the Company have never, even in its most flourishing days, been matter of speculation; and that its members have derived no profits from speculations in land. I may say of the Directors and Proprietors of this Company, that, having unwillingly been induced to assume a mercantile character, they have never made subordinate to any other object the great public objects for which they originally associated, but have always administered their property as a public trust, with no personal object except, at the outside, that of not being out of pocket by the duties which they had undertaken. A Company formed and acting in such a spirit as this, and producing such results as I have described, surely might have looked for the favour and aid of an honest Government, instead of official discouragement and opposition. Whatever the petty jealousies and interested animosities of a knot of vulgar officials in a Colony, such spirit should surely not have extended itself to a Gentleman entrusted with the destinies of our Colonial Empire. I grant that the New Zealand Company was not prudent in its first relations with Lord Stanley. Its remonstrances were rough, and its letters long and peremptory in tone. But a statesman would not have allowed his temper to be ruffled by such provocations: Lord Stanley might have safely considered his dignity as out of danger; and, at any rate, he cannot be excused for having allowed his personal piques to make him the antagonist of the meritorious policy of a public body. Putting the Company aside, however, the poor settlers in Cook's Strait had committed no offence. Some of them, men of the highest classes, had quitted fair prospects in England, hoping that, in a new country, a yet fairer future was open to their energies. Others were labourers, whom, humble as their position was, we must praise for the unusual spirit of enterprise which induced them to submit to that long voyage, and live in a strange country. Such men as these, thus combating, thus gallantly surmounting the opposition of the wilderness, thus bettering their own lot without trenching on any other man's comfort, would surely have excited the sympathy of any just and kindly man. I have been reading lately a book, by Mr. Jerningham Wakefield, one of the first settlers in Cook's Strait, giving a plain, unpretending, and therefore all the more interesting, narrative of the first events of these settlements. I know nothing more affecting than the accounts which he gives of the improvements which he saw, whenever, after an absence of a few months, he visited Wellington, or New Plymouth, or Nelson. Incidents of the pettiest character, and every-day familiarity in our lives, are the great epochs in his chronicle of a new society. Now he describes to you the landing of a body of emigrants, their first rude shifts, their cheerful and unselfish community in labour; then he describes the same spot with log-houses and incipient gardens; and then with pride he contemplates brick dwellings, gardens, and the flowers, fruits, vegetables, and harvests of England. Every step in the progress is duly chronicled. It would be impossible for me, by collecting these images together, to raise in your minds that impression which the book, without labouring to do so, creates by these incidental touches. It is an impression of great industry, great comfort, above all, of rapid, steady, secure progress. You feel that here, at least, all the first discomforts and perils of a Colony are got over. There is no appearence of external hostility. The savages are turned into labourers and domestic servants, attached to the various families of the colonists, and accustoming themselves to European habits and European comforts. It seems certain that the Colony will very soon be independent of external supplies of food; nay, that before long it will be able to purchase luxuries by exports of food, and wool, and oil, and flax, and timber. All that these people needed, or asked, was to continue unmolested in their honest toil. I think a wise ruler could have had no mixture of feeling in contemplating such a scene. He must have seen with pleasure the destitute, enabled by honest industry to raise the food which he wanted, and the untouched forest made

subservient to the good of man. He would have said—"Go on, and God's blessing on your labours, and count on me for being ever ready and willing to aid and encourage you, and turn out of your path any harm that evil mischance may bring across it." I cannot doubt that if some good angel had taken Lord Stanley to the spot, and showed him this fair scene, or had thought, and inquiry brought the image of things as they were before his eyes, that, as he is not a bad man when he thinks, he would not have allowed himself to be led away by official jealousies and the animosities of interested subordinates; that he never would have wreaked on those poor colonists the pique which the uncourtly letters of the New Zealand Company had provoked; that he never would have marred this fair prospect by bringing the dull delays of an anomalous litigation to arrest this industry, and by stimulating the savage and the settler into fearful and needless collision. I now come to the particulars of the matters at issue between Lord Stanley and the New Zealand Company. When Lord John Russell received intelligence of Captain Hobson's having taken possession of New Zealand in Her Majesty's name, and organized its future Government as a British Colony, the first question which it was important to determine was the light in which previous purchases of land from the natives should be regarded. As you recognise in savages no right but that of occupancy, it would be absurd to acknowledge any other right as derived from them by Europeans. With respect to the primeval forest or waste, which the hand of man has never touched to improve or render available to man, in that you recognise no property in any man. And if the European who has preceded his laws—and attempted to enrich himself by introducing among the savages forms to which they attach no meaning—if he comes forward and claims large tracts, which he professes to have purchased from the savages, your answer is, that the savage could not transfer a property which he neither had nor conceived himself to have, and that you will not respect these unreal purchases. This utter repudiation of all purchases from savages was always the principle of our law, and was peremptorily and universally applied by Lord John Russell in the case of New Zealand. But he modified its rigours by the usual equity which is applied to all actual expenditure in reclaiming the land and promoting European settlement. This he treated as constituting a most meritorious consideration; and while he called upon the Company and all other purchasers to renounce their worthless native titles, he promised us a grant from the Crown, at the rate of an acre for every *5s.* which we could show that we had expended, in the acquisition or improvement of the land, or in any of the acts of colonization which might lead to its ultimate improvement. He applied the same rule to all alike; he did not in the slightest degree favour the Company; the only difference which he made was in the machinery by which our rights were to be ascertained. The terms on which our grant was to be made to us are contained in the agreement of November, 1840, which has been the subject of long and angry controversy between the Company and Lord Stanley. After all that controversy, I feel the most perfect confidence that no rational and fair-minded man can take up that agreement and understand it as anything but a distinct engagement to make the Company a grant from the Crown, on its proving before an accountant in London the amount of its expenditure on the objects which I have just specified. In the first place, these objects are enumerated as objects on which the Company is understood to have expended money; and it is agreed that an estimate of such expenditure shall be made by Mr. Pennington here, and, if necessary, by another accountant to be named in the Colony. This is the only preliminary inquiry mentioned, and none but accountants are referred to for the purpose of carrying it into full effect. The agreement then goes on to say—

"When the amount of the above-mentioned expenditure shall have been ascertained, the Company shall be secured by a grant from the Crown to them, under the public seal of the Colony, of as many acres of land as shall be equal to four times the number of pounds sterling which they shall be found to have expended in the manner and for the purposes above mentioned."

In return—

"The Company forego and disclaim all title, or pretence of title, to any lands purchased or acquired by them in New Zealand, other than the lands so to be granted to them as aforesaid."

The only direct mention of the title by purchase from the natives is this absolute disclaimer of it. And where in one place it is necessary to allude to our purchases, as marking the locality within which we are to receive our grant, the agreement, as if for the very purpose of guarding against anything depending on the validity of our alleged purchases, instead of speaking of the lands which we have purchased, speaks of them as those to which we have laid claim. The title is disclaimed for the future, and mentioned only as matter of claim on our part; and the operative part of the agreement stipulates, without any conditions, that the Company shall have a Crown grant of land, of which the amount is to depend on a previous inquiry into the single point of past expenditure. No one who reads the document, without a bias previously instilled into him, and with common intelligence, will, I feel perfectly confident, conceive its meaning to be other than this. Lord John Russell's conduct shows him to have so understood it. Mr. Pennington having made a first award in May, 1841, on the 28th of that month Mr. Vernon Smith writes to the Company that instructions had been sent to the Governor to make a grant of land to the extent awarded. It appears that on the 20th Lord John Russell had actually written to the Governor of New Zealand in the following terms :—

"The result of Mr. Pennington's investigation, you will perceive to be, that under such arrangement (that is, the agreement) the Company are entitled to receive 531,929 acres at present, and that they may hereafter be entitled to a further portion of between 4,000 and 5,000 acres. You will therefore make the necessary assignments of land to the agents of the Company, in pursuance of the terms of the agreement."

Here is a plain agreement to make a grant of land on proving certain payments; the payments are proved, and the order is sent out to make the grants forthwith. Is it not monstrous afterwards to contend that, before the grant could be made, other preliminary conditions had to be complied with? We understood the agreement to be unconditional, and in the confidence of being able, as we were, to prove a sufficient amount of expenditure before Mr. Pennington, the Company entered into undertakings imposing heavy liabilities on themselves, and grave responsibilities towards the public. It trebled its capital, extending it by 200,000*l.* of fresh subscriptions; and the main inducement which it held out to the public, to take part in this operation, was the agreement which recognised its right to a large and valuable property. The Colonial Office required this augmentation of capital, and was cognizant of the means of its being procured. This gave a stimulus to our operations. The Company proceeded to dispose of a considerable amount of the lands awarded to it, and in the spring of 1841 offered for sale 150,000 acres of land in New Zealand for the formation of its second settlement of Nelson. The terms of sale were laid before the Colonial Office, and approved by them. In the course of the spring near 2,000 emigrants were sent out to settle on these lands, and sent out under the direct superintendence of the Colonial Land and Emigration Commissioners. Now, what could be a more distinct adoption by that Office of the view that the agreement and Mr. Pennington's award perfected our title; a more distinct assurance to the public that they might safely act on that view? If, all this time, the Colonial Office knew that the agreement was dependent for its value on the fulfilment of another condition; that the Company was raising capital from new shareholders, on the strength of possessing a right to that to which, in fact it had only a precarious claim; and that it was actually selling a large extent of land which was not, and might never be its own—of what a culpable and extraordinary fraud were they guilty in allowing, in actually encouraging all these people to embark their money—in actually superintending the embarkation of these poor emigrants, without a word of warning as to the delusion under which they were acting! We have no right to accuse them of any such misconduct: we have a right to assume these acts as proofs of their understanding the agreement in our sense; and to regard those acts as a public guarantee of the completeness of our contract. Nor was there anything in the intentions expressed by the Colonial Office, with respect to the investigation of titles in New Zealand, which could, in the slightest degree, apprize the Company that that investigation was to extend to the Company's lands, or that even in the case of others it was to partake in any degree of the character of an inquiry into the validity of the original titles acquired by the natives. Mr. Vernon

Smith's letter of the 2nd December, 1840, which contained the first mention of the intention to appoint a Commissioner to investigate titles, especially confined his inquiries to lands under any other title than that of grants from the Crown, and, therefore, plainly exempted the Company's lands, because their claim was settled, and their title could only be under a grant promised on behalf of Her Majesty. With respect to all other claimants, it was absolutely necessary that some machinery should be established in New Zealand for making those inquiries which, with respect to the New Zealand Company, were to be made in London by Mr. Pennington. There must be some referee, who should ascertain the extent of each purchase, and the extent of expenditure on the objects which were to be reckoned as constituting a ground for a Crown grant. But there was nothing to prepare any one for the preposterous extravagance of a grave judicial inquiry into native titles to land, and the invalidating purchases peaceably effected for a consideration which was deemed satisfactory at the time, because the Commissioner might decide that the native vendor was not entitled to convey under the real property law of New Zealand. When we received the first intelligence of the Commissioner intending to make some inquiries about our lands, we attached so little importance to the matter, particularly as there did at the moment exist some hope of a better feeling on the part of the local Government, that we returned an answer empowering our agent to expend a small amount in quieting native claims. This I see the Colonial Office has used as evidence of our abandoning our rights; but I think the House will rather be inclined to regard it as a proof of our disposition to sacrifice something in order to avoid a controversy. When, in the autumn of 1842, we received news of Mr. Spain's first proceedings, we also heard what convinced us that the feelings of the local Government were as hostile as ever. We found that all the titles to all the lands in our settlements were required to be proved in the Commissioner's Court; that the natives, at the instigation of Mr. Clarke, were brought forward to repudiate the contracts they had made, or to set up adverse titles; and that the Commissioner appeared to make it a rule in all cases to believe the lowest native who repudiated the sale, in preference to Englishmen, or to chiefs who stood by their bargains. Making allowance for some exaggeration on the part of our informants, we could not but conclude that the investigation was entered on in no fair or friendly spirit; and that, even if ultimately we were to secure justice, it would be after a delay and litigation which would excite the most deplorable feelings, and throw back the progress of the settlements. We determined, therefore, at once to stand on our right in virtue of our agreement, and we accordingly wrote to Lord Stanley, pointing out that, by that agreement, our grant was not to be dependent on any decision of Mr. Spain's; describing in the clearest and strongest terms the mischief which was being done to the settlers by an inquiry which necessarily shook the title to every estate in our settlements, and paralysed the entire industry of the community; and requesting that he would put an end to this evil, by directing the Governor at once to fulfil Lord John Russell's instructions, and make us the grant which he had been directed to make eighteen months before. And I must say, that I think if Lord Stanley could for once have laid aside that unhappy spirit of pugnacity which has been throughout his life the bane of every public interest with which he has been brought into connexion —if he could have looked out rather for good to do than for an antagonist to crush—if he could have surveyed the interests of New Zealand with the spirit of a statesman, and the anxieties of true benevolence, there can be little doubt that he would have seen that, whatever were the strict legal rights of the case, this was no occasion to be splitting hairs and bandying subtleties, but that he would have complied with our request, for the one simple laudable object of saving a Colony from dissension and ruin. For no rational man can, I think, believe that the inquiry, as conducted in Mr. Spain's court, could possibly further one single end of substantial justice and good policy. Suppose that it had been really advisable to effect some further payments to the natives, of as much as 6,000*l.*, which is the whole additional amount that has been got out of the Company—was it worth while, for this, to keep every title in our settlements and the cultivation of the land in abeyance for four years, and to stir up lasting animosity between the two races for this trumpery sum? After

all, the settling these questions with a native tribe was a matter, not of law, but rather, if I may apply so fine-sounding a term to a negotiation with savages, of diplomacy; and should have been quietly settled, instead of resorting to the forms of judicial proceedings. I know not what was got by such forms, except infinite confusion and perjury. Put the savage into the witness box, and give him to understand that if he denies his bargain, or swears that he misunderstood it, he shall have a fresh lot of muskets and tobacco, or dollars to purchase them, and you may depend upon man in his natural state being such an unbounded liar, that there is no amount of falsehood at which he will stick. The evidence of the natives, with the exception of a chief or two, simply served to confuse a very plain transaction; and the very nature of the rights to be determined, rendered any satisfactory result impossible, even on the best evidence. One tribe was on the land, and occupation gave it a right. Another said it had formerly conquered the occupants, and only permitted them to reside on its land; which gave it a right to go on the land when it chose, and, therefore, to a compensation for that right. A third tribe would then start up, and say that it had, in former times, migrated voluntarily from the spot in question, had a right to return, and therefore must be paid. This was called the law of New Zealand. Why, what in truth were these, but circumstances proving the utter absence of all definite notions of right to the soil, and of the utter precariousness even of occupancy in that horrible state of barbarism? Yet you have called these "rights," and spun a New Zealand law of real property out of savage customs, which common sense and ordinary care for improving the morality of the native race should have made you wholly repudiate. Take, for instance, the claim of Rauperaha to the valley of Wairao, which led to the deplorable catastrophe of the massacre. This has been represented as resulting from an unprovoked aggression on the poor New Zealanders, who were peacefully occupying their hereditary lands; and great has been the indignation felt at the rapacity that could seek to strip the unoffending native of his little possession. The truth of the case is this. Rauperaha is a chief originally from the interior of the Northern island, who succeeded in getting a footing on the northern shore of Cook's Strait, and ultimately planted himself in a small island in the middle of that channel. Watching his opportunity, he stole over with his band to the opposite coast of the Middle Island, and after some fighting, succeeded in destroying man, woman, and child, of the tribe which he found at Wairao. He had never dwelt there, nor any where else in the Middle island: he and his people had no habitation there. Literally, the whole of the witnesses before the Committee agree in saying that the whole amount of native cultivation in this whole district of 60,000 acres did not exceed one potato field of one acre. Our agent had bought all Rauperaha's claims in this part of the island, and got his signature to the deed of sale. And yet all access to this fine valley was to be denied to a set of industrious Europeans seeking to cultivate it, until the Commissioners should have ascertained whether Rauperaha had been paid enough for having some years before murdered the ancient occupants, that being, in fact, the sole right he had to the land. Is it not horrible to think that the lives of gallant and excellent men, of as kind friends as the natives ever had, were sacrificed because our Government chose to claim a sanctity for such rights as these? Is it not melancholy to think, that if Lord Stanley had listened to our first remonstrances, and kept the agreement with us, this calamity never could have occurred? Unhappily, in reply to our request for the execution of Lord John Russell's order to Governor Hobson to make us a grant, Lord Stanley resorted to not the best arts of controversy, in order to make out that the agreement was based on a condition, that the grant to the New Zealand Company was to depend on its proving the validity of its purchases from the natives. I look upon this pitiable ground to have been long abandoned. The full force of our agreement is admitted: but it is alleged that it is impossible to fulfil it, because it is incompatible with the Treaty of Waitangi. If it were so—if the Government had no right to the land which it sold us, this is no answer to our claim that the Government shall get us the land somewhere. If it sold us land which did not belong to it, the loss must not fall on the innocent purchaser. But there is no force in the plea. I trust I have shown that a reasonable interpretation of the Treaty of Waitangi is no wise incompatible with

the very letter of the agreement; and from the evidence which I have adduced of Lord John Russell's interpretation of that Treaty, it is still more clear that, at the time of the agreement, the Company could have no reason for fancying that the Treaty would be interpreted in any sense that would necessarily incapacitate the Government from fulfilling its stipulations. We found it in vain, however, to urge these arguments to Lord Stanley. We did everything that reasonable complainants could do. We urged that this was a question involving nice points of law, and suggested that it should be referred to some legal tribunal for its opinion. Lord Stanley chose to understand this as a threat of going to law, and told us to go to law, well knowing, of course, that, without a grant, we could have no *locus standi* in any court. We explained our request to mean a simple reference to some tribunal, for the purpose of advising the Crown on the equity of the case; and this he refused. Finding that the interests of the colonists were dependent on any settlement of the immediate dispute, we then accepted a proposal which he had made of a grant, which should give us possession, leaving us in the position of holders under a *primâ facie* title to defend our possession against the adverse claims of natives or others. By this, which we have called the agreement of May, 1843, we waved an extreme right for the sake of peace; and we were content to abide by this arrangement, in full reliance on the assurance of the Government, that they would, in addition, give us every aid in effecting a peaceable and reasonable extinction of native claims. Talk as you like of the interpretation which the natives put on the Treaty of Waitangi, the obvious truth is, that the natives interpret that Treaty according to the suggestions which they receive from the protectors and other persons whom they suppose to be in the confidence of the Government. We felt sure that as soon as Mr. Clarke and his fellow labourers receive an intimation that it was really the intention of the Government to remove the obstacles to the fulfilment of the agreement, the natives would be speedily brought to reason. We were prepared to abide by that agreement, until, in February, 1844, we were for the first time made aware of the secret correspondence between Lord Stanley and Governor Fitzroy, which convinced us that, far from being able to rely on the sincere co-operation of the Government for the adjustment of our claims, we could not even hope that the strict letter of the new agreement would be acted on. Under that impression we brought the matter before the House; first referring to my noble Friend to know the interpretation of his own agreement, and his answer was to the effect that he regarded it as an absolute grant. We then proposed to refer the matter to a Committee, on which we placed the names of five opponents and ten supporters of the present Ministry. Of the last ten names some were objected to by the hon. Gentleman opposite, not, as would be clear, from my mentioning their names, from any doubt of the perfect honour of the Gentlemen; and we substituted the names of three others, whom the hon. Gentleman proposed, and who, in the Committee, voted pretty steadily on his side. Nevertheless, to such a Committee Lord Stanley referred the question; and the Resolutions adopted by that Committee were in every respect so satisfactory, that if the House consents to my present Motion I shall move those identical Resolutions for its adoption. I think I may fairly say that the names of the majority, who voted all the most important of those Resolutions, ought to have great weight on all points of public policy to which they have devoted their attention. On the Post Office question, the Government recently demanded an unhesitating adoption of the decision of a Committee. It is, no doubt, impossible for a man of honour, however unpleasant may be the collision into which he is brought, by refusing what others believe a just claim, to volunteer concession while his own judgment remains unaltered; but I think that, in every case in which a man has to decide on a matter in which he has been involved in personal controversy, he cannot be too ready to submit his judgment to that of calm and honourable men. Having done so, there can, I think, be no doubt that Lord Stanley ought to have acquiesced at once in the decision of those to whom he had himself referred a matter of dispute on a subject of individual right. But Lord Stanley, even on the question between himself and the Company, treats the decision of the Committee as worthless. Consistent to the last in obstinately setting down his own opinion against jus-

tice, after refusing for a long time to accept of any reference, he refuses to abide by the decision of those whom he has deliberately accepted as arbitrators in a question of personal right; and, to back him in this course, he relies on the strength of his Colleagues, and the force of party spirit in this House. The Select Committee has decided that we are entitled to the full benefit of our interpretation of the agreement with Lord John Russell. Lord Stanley distinctly refuses to concede this; and declares that he will do nothing but fulfil the agreement of May, 1843. Well, then, has he done that? The whole essence of that agreement was, that we were to have a conditional title to the land, that we should have a *primâ facie* title to it, and that all who disputed such title should regularly proceed against us, and not we against them. Were we right, or were we wrong, in treating the correspondence between Lord Stanley and Governor Fitzroy, which came to light in the beginning of last year, as in effect a nullification of that agreement? Let the event be the answer. Captain Fitzroy arrived in the Colony in December, 1843. To execute that agreement, by making us a conditional grant of the lands selected by our agents, was what he was bound to do, and bound to do forthwith, on ascertaining what the districts were of which we desired a grant. By the last advices, he had been thirteen months in the Colony without offering to do so. A wretched quibble has been raised about no demand having been made on him to make the conditional grant. Is there one word in the agreement that implies the necessity of any such fresh demand on the Government to do what it had promised to do? The Government was to grant us the lands selected by our agents. Our agent has, I suppose, at least a dozen times entreated Captain Fitzroy to grant the settlers the land at Wellington. He has, in compliance with the Governor's wish, lodged in his hands money for additional payments to the chiefs. Nevertheless, the Governor has refused to make any such grant; and, in answer to an application from the resident settlers, he made them the scandalous proposal of putting them in possession of the lands of absentee owners, 15*s.* of every 20*s.* of whose purchase-money had actually supplied the residents with the labourers whom they employed. He has made us no grant there. At New Plymouth the Commissioner had made us an award of 60,000 acres, after payment in addition to our original purchase-money had been made, at the requisition of Captain Hobson, to a second set of claimants. Captain Fitzroy refused to ratify this absolute award until we had paid a third set of claimants, whose interests he conceived to have been overlooked. At any rate, if he did not deem it right to make us an absolute grant of these 60,000 acres, it was his duty, under the agreement of May, 1843, to make us a conditional grant. He did not do so. At Nelson we got a distinct award, from the Commissioner, of the greater part of the land claimed by us. Not an acre has been granted. Thus, after repeated demands, Captain Fitzroy, for more than a year, has refused to give the slightest effect to the agreement of May, 1843; of which the essence was, that it should be fully executed immediately. What, then, has this agreement of May, 1843, been? A delusion, an injury to the New Zealand Company; a clear promise, publicly made, but so obscured by private comment, that the agent who had to carry it out has never once thought of giving it any effect whatever. Thus stands the matter between the Colonial Office and the Company. We made an agreement, by which we were to receive a large grant, of which the Minister, who was the other party to it, acknowledged the full effect; but another Minister had come into power, who repudiated our claim, though a claim which a Committee of this House decided ought to have put us three years before in possession of a vast amount of property. We then made a second agreement with the Minister who refused to execute the first, whereby we ought to have got possession of that property eighteen months ago. That Minister gives no more effect to his own agreement than to that which he has repudiated; and at the end of four and a half years from the first contract, after we have spent 300,000*l.* of our own capital, and 300,000*l.* more we have received from the public, we remain without an acre of the property guaranteed to us by the faith of the Crown. This is shameful usage of a Company, against the conduct of which the Government has never brought a charge, and the public spirit of which is evidenced by every act of its existence. You have arbitrarily deprived it of its property, and by that

withholding of its rights, exhausted its means of continuing its laudable enterprise. Its losses have been the consequence of its confidence in your good faith. But however great our disappointment, however heavy the blow on some of our poorer shareholders more particularly, what is this compared to the injury you have inflicted on the emigrants, the greater part of whom went out under your superintendence, to settle on the land guaranteed to the Company by your faith, and who have since been deprived of access to those lands, and of all means of employment, by your refusal to abide by your repeated engagements? These poor people at least merited your sympathy, alike by the courage of their original enterprise, and by the patient heroism with which they have borne the privations to which they have been exposed. Whatever the demerits of the Company were, Lord Stanley might have imposed on the local Government some little cost, some little trouble, to put his countrymen in Cook's Strait in possession of the petty districts which were necessary for the purposes of their enterprise. Yet, in spite of numerous expressions of his regard for them, they have been the chief sufferers by his repudiation of the arrangements made by others, and his violation of his own. They have been denied access to the lands which they had bought and paid for. They have found themselves exposed to the aggressive intrusion of tribes who have come from a distance and occupied their lands, in the hopes of extorting payment, with the sanction of the Government. Their houses have been pulled down, their crops set on fire, and their lives menaced. In every case of such outrage to the Company's settlers, all redress, all protection, has been refused by the Government. Our settlers have been publicly informed, that wherever any native makes any claim to land they occupy, however preposterous, their duty is to acquiesce, and give it up. They have seen the natives, instigated by hostile suggestions, and encouraged by the Government, cherish a constantly deepening feeling of causeless resentment, and aggressive violence. They see all the menacing indications of a general outbreak on the part of savages, whose warlike excesses are peculiarly indiscriminate and revolting. Their attempts to put themselves in a state of defence have been peremptorily checked by the authorities, who suppressed their volunteer force, and offered them the inefficient protection of fifty soldiers for a district of 200 miles in length, and a population of 10,000. By stopping the New Zealand Company's operations, a useful expenditure on roads and public works has been arrested, and a vast number of labourers have been thrown out of employ. The last intelligence that we have received is, that Captain Fitzroy, impelled by the pecuniary necessities brought on his Government by his unparalleled financial mismanagement, has, in direct contradiction of the views which he promulgated before leaving this country, gone, with his usual violence, into what he calls the policy of concentrating settlements. Having refused to give the people of New Plymouth and Wellington a title to the lands which the Commissioner had awarded them, he has offered to give them land in the neighbourhood of Auckland, where it was well known that he had none to give. On their refusal to accept these terms, he threatened the inhabitants of Wellington to remove them bodily to Auckland. [Mr. *Hope:* When did you receive this intelligence?] Oh, quite recently; much more recently than anything the Colonial Office has heard. You know we are always two months a-head of you with our intelligence. Well, will any one wonder that the result of these things has been to produce ruin and despair? From all our settlements we hear of constant emigration to the Australian Colonies, and even to South America. And not a ship comes to this country but it brings home some labourer or emigrant of a higher class, who, having exhausted his resources in New Zealand, comes back to the precarious chance of regaining employment in the country where he had abandoned his connexions. And for these poor natives, the professed objects of your sympathy, what have you in effect done? I will not now comment on what is a shameful feature in the conduct of the Government, and that is the utter absence of any measures exhibiting a real care for the improvement of the race. All the money nominally spent on them has been, in fact, jobbed away in pernicious appointments of Protectors and Sub-Protectors. The native reserves in our settlements have been taken out of our hands, and kept unproductive; while those of the Government in its own settlements

turn out to be non-existent. Nothing has been done by the Government for the education of the natives, nothing for their religious instruction. The New Zealand estimates exhibit a vote of just 90*l.* a year for these purposes. The policy of the Government towards them may be described in a few words. Afraid of their physical force, it has had no object in view, with reference to them, but that of pacifying them with the immediate concession of their demands, without a thought of the effect on their welfare. Nothing can be so absurd as the fear of their physical force, which the officers of the Government have thought it creditable to parade. Their internal dissensions, as Mr. Busby said long ago, would render it utterly impossible for us to have the united hostility of the various tribes to encounter. They possess a great quantity of fire-arms, but are miserably deficient in the use of them. From accounts which I have had from emigrants conversant with both races, I take it that a body of them would be able to make no head at all against a tenth of the number of North American Indians. On the other hand, they are to be very easily managed by a union of common firmness with kindness. In fact, no one ever found it difficult to get on with them except our Government. Scattered handfuls of whalers lived for years all along their coasts, among them, making use of them as servants, intermarrying with them, maintaining ascendancy over them, and holding their own in almost unbroken security. For five months before the establishment of British authority in New Zealand, our settlers at Wellington, 1,500 in number, lived quite peaceably with 400 savages in the midst of them, and their various tribes all around. Mr. Jerningham Wakefield mentions, in the book to which I referred before, that during the first years of the Wellington settlement, there was hardly a respectable family that had not a couple of Maori labourers attached to it. One or two very clever natives made fortunes in European occupations. Mr. Wakefield himself employed a large number in what he hoped to make for their benefit a very increasing flax trade. Your Government came, and set them quarrelling for an additional price for land; and has raised up an animosity, which a sense of injury will not speedily allow to subside in the stronger race. You encouraged their aggressive spirit by refusing to check the first petty outrages; and you have gone on until you have raised a feud of blood between the two races. You have filled the native with an overwhelming idea of his own strength; you have altered the kindly feelings of the settler into those of resentment and alarm. What could you gain to compensate for this? It is not more certain that the sun is in the heavens, than that this animosity must ultimately end in the degradation and extermination of the native race, all the experience of the world proving that the savage must ultimately perish when he enters into conflict with a race, in comparison with which he is as powerless as the child in the hands of the full-grown man. But you will try to make out that these unhappy consequences are the result of the Company's precipitation. Begin by answering one argument. If that be the case, how happens it that all these evils which afflict the Company's settlements are exhibited in tenfold force in the north of the island, where the Company has never shown itself, and where the Government has had everything its own way. You have there had the opportunity of disposing of land, and colonizing on your own system. You tried your auction system, as you thought, most successfully. The result is perfect beggary and want of enterprise. The seat of Government, with really a considerable Government expenditure, has contributed to the Property Tax only half what our settlement of Wellington has, and hardly more than our smallest settlement of New Plymouth. You have had the fullest scope there for trying your system of concession to the natives. Johnny Hackey, a petty native chief, after constantly robbing the people at Russell, and insulting the women, cut down the flagstaff. Captain Fitzroy, after waiting to get force enough to enforce submission, accepted a frivolous note of apology from Hackey; but for his offence, fined some other chiefs ten muskets, which he went through the farce of having laid at his feet, and immediately returning! Before he ventured to do this, however, he had rewarded Hackey's outrages by abolishing the customs' duties, which he thought gave him umbrage, and then, considering that it would not do to keep the other custom-houses when he had abolished that particular establishment, he abolished the custom duties altogether. Another marauding chief robs

an Englishman of eight beasts. A missionary is allowed by the Government to negotiate with the robber, and gets back seven, leaving a black mail of one. The natives complain of the Crown preventing the settlers from buying direct from them; and its pre-emptive rights are given up to please them. Lord Stanley sends out instructions to the Governor to organize a militia; the Governor refuses obedience, because the sight of a militia might displease the natives. But, at last, Johnny Hackey and his brethren ride this willing horse too hard. Three chiefs commit outrageous robberies; and Johnny Hackey, who before found cutting down the flagstaff turn to such capital account, cuts it down twice in the sight of thirty unresisting soldiers, and gives the Government officer notice that in four months he will cut down the flagstaff at Auckland. These things even Captain Fitzroy could not stand. He has taken the warlike line, declared he will act with vigour, sent off to Sydney for 200 soldiers and great guns, and issued proclamations offering 50*l.* a piece for the heads of three chiefs, and 100*l.* for Hackey's. Hackey says this is treating him like a pig, and has retaliated by offering 1,000 acres of land for the Governor's head. All this sounds ludicrous, from the imbecility which it displays; but the commencement of a war of races is no joking matter. Such a war is always a barbarizing, demoralizing war of extermination. Confusion and alarm are spreading over the island. Our last intelligences apprize us that the settlers at Nelson, being determined not to have their throats cut and their property destroyed to please Captain Fitzroy, have, in spite of the prohibition of the paid magistrates, formed themselves into a volunteer force, under unpaid magistrates, and checked a turbulent chief. At Wellington, the inhabitants have formed themselves into a volunteer force, and commenced training under the sanction of the unpaid magistrates; and, despairing of anything good from Captain Fitzroy, have sent a memorial to Sir George Gipps, at Sydney, imploring his intervention and protection. Everything indicates the commencement of the war which we have so long predicted as the inevitable result of your incredible tampering with the natives. Depend upon it that if once begun, it will not end without our getting some news that will make you shudder at the mismanagement which you have allowed to reach such a pitch. After topics such as these, pecuniary questions seem almost trivial; and yet I cannot close my description of the present state of New Zealand without referring to the financial condition into which you have brought the Colony. Deserting the sound principles of our Constitution, which provided every English Colony, from its very foundation, with the representative institutions which are their birthright here, you have handed over New Zealand to the most unenlightened despotism of an incompetent Governor, and a Council of his own subordinates and nominees; and subjected the people to tax and *corveé* at their mercy. The consequence is that lavish expenditure for bad government, which forms the first subject of remonstrance in the Company's petition. In opposition to the custom of this and all other free countries, not a single office is unpaid; but every department is overstocked with a host of paid functionaries, who, after all, from the defects of the system, are incompetent for their work. Estimates are formed without reference to the means of the Colony. New Zealand ought, from the first, to have supported itself. Cook's Strait never produced altogether less than 12,000*l.* of revenue. For 12,000*l.* a year you might have governed these settlements perfectly. But the local Government could not carry on its functions for less than three times that amount. Each year a heavy burden of taxation has been imposed on the people. As even that would not suffice, New Zealand has been allowed to draw 7,500*l.* a year from the Imperial Treasury; and in addition, each year has added to the debts of the Colony. The consequence is, that New Zealand has, during five years of its colonial existence, cost Great Britain more than 60,000*l.*; besides which, it has a large debt. Captain Fitzroy, when he arrived there, found his predecessor's dishonoured bills in the market, and the creditors of Government clamorous for payment, which the Government had no means of furnishing. He then began that extraordinary series of financial vagaries which have excited the wonder of mankind. He provided for the immediate difficulty by those 2*s.* assignats, which his experience in Chili and Brazil had convinced him were the best currency in the world, and which he persists in holding forth as the grand panacea, the thing

which alone will immortalize his name in connexion with New Zealand. He then endeavours to recruit his revenue by putting taxes on the building of good houses and the importation of stock into a new Colony. These he was forced to abandon in a few days; and then, to improve his finances, he established what he calls free trade, by abolishing all customs' duties, to please the savages, and clapped on an income tax. The result has answered every reasonable man's expectations of the results of such a measure in a Colony. He calculated on 8,000*l.*, he will probably get less than 4,000*l.* a year, in exchange for customs' duties of the amount of at least 12,000*l.* The last news is, that he has turned his Spanish experience to fresh account, and actually put on a duty on every sale of property—the old Spanish alcabala, which I thought every human being had agreed to be the very worst tax ever devised by the wit of man. He has swept away the whole Emigration Fund, and given up all the lands which might have supplied a revenue for the purposes of colonization. He has, in fact, brought down his total revenue to about 7,000*l.* a year in place of 20,000*l.*, which he found it; and he has an income of 7,000*l.*, with an estimated expenditure of 36,000*l.* a year; leaving a balance of 29,000*l.* in the present year, which he coolly says that the Government at home must and will defray. Thus you have contrived with a Colony, which, with decent management, could have been thoroughly well governed, without any debt or any aid from the mother country, to load it with debt, after making it a burden to us; and then, to bring the confusion to a pitch, you have swept away almost the entire revenue of the Colony. The answer to all this is, that Captain Fitzroy has acted with an absurdity that no one could anticipate; that the Government have been grievously disappointed in him, and have done all they could do, by recalling him; as if that exonerated you from the responsibilities, the heavy, the awful responsibilities you have incurred by appointing him. You try to get off by saying that the New Zealand Company expressed a high opinion of him. Not so exactly; we had no share in the apppointment; any objection from us would certainly have made the Colonial Office more bent on making it: our taking your report of him, and trying to make the best of a bargain about which we had no option, and going beyond what we were justified in saying in his favour for the purpose of producing harmony between him and the settlers—all this is no excuse for your not ascertaining his real qualities, and blundering in a choice of which you had the undivided control, and shall bear the undivided blame. Lord Stanley is responsible for all Captain Fitzroy's extravagances. And in justice to Captain Fitzroy, to whom, though I think him the worst of governors, I would do nothing unfair, I must say I think the Colonial Office have no right to make him a scapegoat, because I see no ground for believing that they disapproved of his most signal errors; while we know that Lord Stanley gave his formal approval of the 10*s.* Proclamation, and some other of his worst acts. There certainly never was a Governor to whom Lord Stanley gave a more full and entire confidence, none with whose feelings and policy there seemed to be on his part a more entire congeniality; and he must not now get rid of responsibility for the instrument which he used as long as it was possible, and has laid aside only when it has been discredited by its application to his purposes. You could not even recall Captain Fitzroy without mingling some mischief even with so beneficial an act. For with warning of the great likelihood of such a step being forced on you, you had taken no steps to provide a new Governor, and have allowed six weeks to elapse between the news of his recall and the name of his successor reaching New Zealand. I have no objection to make against Captain Grey, who is said to be nominated to the post. He has the character of an able, zealous, and conscientious gentleman, and has acquired credit in the government of South Australia. At the same time I should better have liked, in the present difficult state of New Zealand, to see sent there from this country some one of higher station and greater weight; and so infinitely important is the choice of a Governor, that for this special occasion it would have been a wise economy to employ such a man as Sir Henry Pottinger, at a salary worth his acceptance, in setting this distracted community to rights. Here, Sir, ends my history of the grievances of New Zealand, and of the founders of the Colony. It is, in truth, the history of the war which the Colonial Office has carried on against the Colony of New Zealand. Is this an ex-

aggerated expression? What enemy of the British name and race could—what civilized enemy would have brought such ruin on a British Colony? Yet this is the work of your Colonial Office, animated by unrelenting animosity to a colonization begun in opposition to its narrow views, and effecting its purpose by a Commissioner of Land Claims, a rival seat of Government, and a reckless tampering with the wild passions of a savage race. Thus has Lord Stanley contrived to mar the progress of the most promising Colony ever founded by this country; and it is conduct to be expected from one who never speaks on the subject of colonization without expressing hostility to it. This is the conduct which I call on the House of Commons to condemn. I cannot, of course, submit for your approval the actual measures which should restore prosperity to New Zealand; for, in the first place, suggestions for the reparation of all Lord Stanley's errors will be a laborious task, which I cannot now go through, or expect you to follow me in; and, because, moreover, the real reparation for the past must commence with an intimation from you that there must be a thorough change in the spirit by which New Zealand is governed. I do not, however, mean to avoid testing your opinion on some of the great points at issue. The Committee of last Session, under the auspices of my noble Friend the Member for Sunderland (Lord Howick), presented a Report indicating the most patient investigation and thorough mastery of the condition and recent history of New Zealand, and laying down the soundest views with respect to the treatment of the natives, the disposal of lands, and the questions individually concerning the New Zealand Company. The substance of those views is contained in the Resolutions which are appended to it. If my Motion for a Committee of the House succeeds, I shall, as I have given notice, propose to that Committee all those Resolutions, with the exception of the first, which condemns a particular act of the Company, and which, of course, it would be absurd and insincere in me to propose. I have thought it right to give these Resolutions in the exact words of the Committee; but I am sensible that altered circumstances would render it advisable to modify some of them before you could be expected to adopt them. Such modifications I should be ready to entertain. I feel, also, that if these Resolutions are adopted, they will be incomplete, unless accompanied by others—especially by one which shall indicate your opinion that New Zealand never can be secure of good government until its English settlers are put in possession of their birthright of representative self-government. But about particular Resolutions we need not now trouble ourselves. The question is, will you go into Committee? Will you inquire into the past? Will you begin the work of reparation, by condemning the mischief that has been done? In spite of all personal affections and party passions, I call on you, as just and conscientious men, to relieve yourselves from the responsibility of the grievous misdeeds that have been done in New Zealand. A great Colonial wrong is before you; and, indifferent as in general you naturally are to the fortunes of colonists of which you see nothing, now that such a matter is brought to your attention, show the Colonial Office that it is not wholly uncontrolled, and will not always be allowed to sport with the interests of our countrymen in the Colonies; and show the Colonies that there is a protective power which, when appealed to, will interfere to guard them. I will add no words to enforce the appeal, of which I have been obliged at this great length to explain the grounds; none even to regret my want of eloquence that might inflame you to action; for those whom the simple tale of wrong does not move, the tongue of angels would be powerless to persuade. The hon. and learned Member concluded by moving—

"That this House will resolve itself into a Committee, to consider the state of the Colony of New Zealand, and the case of the New Zealand Company."

Mr. *Monckton Milnes*, in seconding the Motion, would say only a few words in addition to the admirable speech of the hon. Member. He rose to second the Motion, because it was his duty to stand by the Resolutions of that Committee which he had in some degree contributed to lay upon the Table; and he hoped that, by that Motion being seconded by a Member on that side of the House, he might induce hon. Gentlemen to consider it, as in some degree, divested of a party character. He thought, too, that as he was judging of his own political friends, he might be permitted to deal more indulgently, and to be

more ready to make excuses than the hon. Gentleman opposite. He looked at this as a question of great national importance, not affecting so much the Minister or the particular Governor, as the progress and power of England throughout the world. He became a member of that Committee knowing little more of the subject than other Members of the House, and he did not go into it with any preconceived notions; he had never received an intimation from any friend in favour of the New Zealand Company, and the conclusion he had come to was, after the fullest and fairest consideration, the best judgment he could give. He had no prejudice in favour of the New Zealand Company, but he did feel the great importance of the question of colonization; and yet, when he saw that men practised in official life regarded the matter with total indifference, he almost doubted the truth of his own convictions. Amidst all the economical questions which had been lately brought before the House, he could not keep out of sight our surplus population. The Corn Laws and other matters of debate might be ultimately settled, and he had little dread for the country if we could dispose of our surplus population; but, being haunted with this fear, he regarded the progress of colonization as a matter of the most vital importance to the interests of this country. In looking at the colonization of New Zealand, it gave him great satisfaction to see that the old spirit of English colonization had been then and there awakened; and that it was advancing, not under the auspices of an Official Emigration Board, or under the direction or at the will of a powerful Minister, but impelled by the national energies of the English people. It was an enterprise in which all ranks of society were engaged, and all actuated by the same feeling. It was a colonization, to the advancement and maintenance of which, the young man gave his health, the rich man his wealth, and the labouring population their energies, leaving their homes and familiar associations in England, confiding in the wise superintendence under which it was to be conducted. During the period which he spent on the Continent for the last few years, he had invariably heard the New Zealand system of emigration spoken of with the greatest interest; and he would recommend hon. Members to read a valuable tract upon the subject written by Professor Ritter, one of the greatest geographers of the day, and the confidential friend of the King of Prussia. In that tract the emigration to New Zealand was described as a union of men of high station and wealth, without the assistance of the Government, animated with a desire to aid their fellow countrymen and improve the condition of the aborigines. The interest which was taken in this subject on the Continent was a proof of the importance which was attached to it; and he should say that he fully concurred in looking upon it as a question deserving of all the interest which it excited. He believed that the whole of those proceedings, which had been complained of in the history of New Zealand colonization, arose rather from a misunderstanding on the part of those whose duty it was thoroughly to comprehend the subject, than from any wilful desire on the part of the Colonial authorities to interfere unnecessarily; and he was the more strengthened in this idea by the fact, that the suspicions which appeared to be entertained of this colonization did not appear to be confined to any particular party, but were indicated by the conduct of Lord Glenelg, as well as by that of Lord Stanley. He was sure that his hon. Friend opposite (Mr. Buller) would agree with him in believing that there was not a man at either side of the House, who suspected that any Englishman could be guilty of a desire to perpetrate systematic cruelty and injustice upon the aborigines of New Zealand, or that even any of those engaged in colonization from this country, at the present day, would be disposed to adopt towards the savages in New Zealand such treatment as the Pilgrim Fathers, to whom the hon. Baronet near him (Sir Robert Inglis) was so much attached, would have entertained very little scruple in adopting. No one would rejoice more than he (Mr. Milnes), to see that spirit of humanity, which he believed existed in this country, exhibited in all our dealings with the aborigines. At the same time, he had no reason to believe that those who could form the best judgment, would allow any feelings of morbid sentiment so far to prevail, as to see with satisfaction the sacrifice of a large English population for the preservation of any tribe of natives. He must recall to the attention of the House the remarks made last year by the right hon. Baronet at the head of the Government with respect to the Ameers of Scinde; words of the soundest wisdom, and which could be misinterpreted only by folly and ignorance. That right hon. Gentleman

then said, that there was, in the intercourse of the higher and lower civilization, an uncontrollable power which the lower civilization could not ultimately resist, and that, whatever policy was adopted, the weaker race must ultimately give way. If this were the case with respect to the intercourse between Europeans and the natives of Scinde, how much more would the remark apply to the intercourse between Europeans and the savages of New Zealand. It was in vain to look upon the natives of New Zealand in any other light than as savages; and in proof of that fact, he would refer hon. Members to the Report of the Committee of last year which inquired into the subject, from which it appeared that the New Zealanders had scarcely as yet abandoned the abominable habit of cannibalism. And now, what had just passed in New Zealand? Mr. Spain, the Commissioner, said (in a letter dated 12th April, 1844)—

"The fear of punishment which Rauperaha and Rangihaeata felt for some time after the Wairao (and which naturally greatly influenced their followers), has now ceased, and rendered those men more difficult of management than they were before that event."

In the following letter (dated 2nd July, 1844,) there was a passage strongly corroborative of this view. He said—

"In the execution of my official duties, as Commissioner in the settlements of the New Zealand Company, in investigating the claims to land of that body, I have had occasion to decide in favour generally of the natives. This circumstance would fairly lead to the inference that this race at least would now place confidence in my decisions, and show a disposition to abide by and obey them; but it is with regret that I am compelled to admit that the fact is precisely the reverse of this. In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon, they began to object to accept it, and to propose terms that could not be entertained. In fact, it appears to me that they have determined totally to disregard British law and authority, and that they have come to the conclusion that we are not strong enough to enforce the one, or maintain the other."

This sentence was the only commentary it was necessary to make on the conduct which had been pursued, and which had at length driven the Governor to the very measure of force, to avoid which so many degrading concessions had been made. It was difficult to understand how any man, who was aware of the peculiarities of different nations, or who was acquainted with the history of the world, could suppose that, on the subject of the possession of land, all nations, civilized and savage, would entertain the same views. They all knew among different nations what different notions were held with respect to land. In illustration of this he need only refer to the Roman law and customs, and how the recent labours of German philologists had shown the agrarian law to have been totally misunderstood by the misapplication of modern analogies. The whole matter with respect to New Zealand could not be more ably stated than in the excellent work of young Mr. Wakefield. He said—

"Colonel Wakefield was obliged to buy of the natives not certain lands within certain boundaries, but the rights, claims, and interests of the contracting chieftains, whatever they might be, to any land whatever within certain boundaries."

And when he went out to purchase, he took red blankets and red nightcaps, slate pencils, looking glasses, razors, pocket-knives, umbrellas, Jews' harps and sealing-wax. Now, did we in this country transact sales of land in this way? Can we imagine an action of law in which the purchase was thus transacted? Fancy his hon. Friend the Solicitor General disputing the value received in these articles; and yet such must be the procedure of the Court of Land Claims in New Zealand. Complaints had been made against the absentee proprietors; but in addition to their loss of property they had to endure their fears and anxieties for their friends and their families in New Zealand. He might mention one case of a gentleman coming from his own part of the world, and of his own station in society, who left Wakefield and went to New Zealand with all the appliances which became a man setting out on a great undertaking. He had built a good house, and had cultivated the ground. His house was burnt down, and his crops were destroyed; whilst he and his family were obliged to take refuge in a miserable outhouse, where they were in daily terror of their lives from the threats of the natives around them. This was only one instance among many; he hoped they would not be lost on the Government, and he implored hon. Gentlemen to forgive what they considered their past wrongs, and the Government to forget that they had ever been accused of those wrongs. He trusted they would now

set to work to remove the present difficulties, and to do all they could to provide for the better condition and improvement of this Colony; and he must say, that whatever might be the dispositions of the persons appointed to the administration of affairs in the Colonies, there would be danger of failing in obtaining improvement if the whole administration of the Colony emanated from authorities at home: no matter how judicious the person might be who should be sent as Governor to the Colony. He did not refer to the ability of those whose duty it might be to send out instructions for the government of a Colony; but he adverted to the distance of the Colony from the mother country, and to all the difficulties which must necessarily result from it; and he would here beg to recall to the recollection of hon. Gentlemen Mr. Burke's speech on the government of America. He could not help feeling that England had always been more successful in those establishments which were carried out by the exertion—the voluntary exertion of skill and enterprise—rather than by the authority and strength of the Government; as, for example, when our Empire in the East was rapidly rising in extent and importance, our Colonies in America were being wrested from our possession. This should be a lesson to all Governments, to all successive Administrations, to trust more to the unfettered energy of the English people, and to believe that we might safely entrust the interests of a Colony to a Company which was under the direction of men whom we should each of us deem every way worthy to be entrusted with our private property, and the management of our private affairs. It was his deliberate opinion that it was perfectly safe to entrust such men with very considerable legislative powers. If all the authority to be exercised in New Zealand were to emanate from the Colonial Office, then he should say that that power must be exercised by agents; and he knew well that the appointment of Colonial agents was the most difficult description of appointment which the Colonial Office could be called upon to make. Persons were often appointed to such offices who had no experience in authority, and who often came into a description of society for which they were totally unfit, who had power over persons frequently of better education than themselves, such persons being in these cases obliged to live under as degrading a despotism as it was possible for Englishmen to submit to. And in a matter of this sort the House was not only bound to take into account the considerations to which he had just been adverting, but they were also bound to exclude from their view every matter of a small or petty kind; they should not allow themselves to be influenced by legal subtleties; they should generously confide in the honesty of their fellow countrymen—of men so worthy of public confidence as the Directors of the New Zealand Company — men on whose co-operation they might fully rely in establishing in the Southern Seas an Antarctic India.

Mr. *G. W. Hope* was understood to say, that he felt no small embarrassment, not only because upon him had devolved the defence of one who, if he had a seat in that House, was so eminently qualified to defend himself, but because he was very deeply sensible of his own inability to undertake the advocacy of a cause in all respects so important, and the task of dealing with which was in every point of view so arduous. There had been many strong observations made upon the noble Lord at the head of the Colonial Department, and many aspersions were sought to be cast upon him; but he felt he should not be consulting the wishes of the House if he occupied their time in retorting those attacks upon their authors; on the contrary, he should rather seek to defend the noble Lord by going through facts and reasonings, for they constituted the true ground on which his vindication rested. Lord Stanley had been accused of being an enemy to colonization. He denied the charge. The noble Lord had always shown that he looked upon colonization as one of the great resources of the country; he never took it up inconsiderately as a remedy for pauperism; he never admitted that it was a remedy for all the evils under which the country laboured; but it was too much to assert that he was, therefore, an enemy to colonization. He believed, in fact, that his views were essentially the same as those of the hon. Member for Liskeard (Mr. C. Buller); but he would not occupy the time of the House on general questions, and would proceed at once to that immediately before them. When the present Colonial Secretary succeeded the Member for London (Lord John Russell), he found that discussions had then been going on between the New Zealand Company and the Department to the head of which he had just been appointed. He entered upon

the continuance of those discussions with perfect calmness; and, so far from pressing views adverse to those of the Company, he had, by a contrary course, entitled himself to their thanks. Those thanks were conveyed in the following passage from a letter from Mr. Somes to Lord Stanley, dated 10th June, 1842, to be found in the Parliamentary Papers of that year:—

"The Directors cannot conclude this letter without offering to your Lordship their acknowledgments of the generous spirit in which you have done justice to the objects of the Company, and to the manner in which they have been hitherto pursued; as well as their cordial thanks for the tenor of the instructions which your Lordship proposes to issue to the Governor of New Zealand, in relation to the interests of the Company, and of the parties who have settled in that Colony in connexion with it."

Whatever concession the noble Lord was able to make he had made, and far from insisting on, he relaxed the strict terms by which the Company had before been bound down. But when a demand was made which involved the interest of the natives of New Zealand, the noble Lord found that he was no longer dealing between two parties only, the Crown and the Company, but that the interests of that third party had also to be consulted. Not until then had the discussion between the noble Lord and the Company arisen. The course he then took was the only one he could have taken; for the Company made a demand which involved the rights of the inhabitants of New Zealand to the lands they held in that country. And the question was, whether the noble Lord who had preceded the present Colonial Secretary had not guaranteed those rights to the natives of New Zealand. The hon. and learned Member had alluded to the case of the chief Rauperaha, in order to prejudice the House, but he must give a denial to that charge. The observations commented upon with such severity by the hon. and learned Member, as to the imposition of a wild land tax, had not originated with Lord Stanley, but were merely the application of the principle advocated by the hon. Member himself in Canada, according to the proposals of the Select Committee, and they resulted from the acknowledgment of extensive proprietary titles in the natives. The hon. and learned Member for Liskeard had found it necessary for his argument to debase the character of the New Zealanders to as low a point as possible, and had stated that the bulk of them were cannibals. But the hon. and learned Member might have stated that although cannibalism had existed, it was fast disappearing; that 40,000 of the natives had become Christians; and that evidence had been given before the Committee which the hon. and learned Member had quoted, to show the intelligence and advance in civilization of many of the natives. The hon. and learned Gentleman stated that, in his opinion, the Caffres were far superior to the Aborigines. He thought that, in this comparison, the hon. Gentleman was greatly mistaken; for if they looked at the statements of some of the hon. Gentleman's most important witnesses, it seems that there were natives of New Zealand who owned vessels, who engaged in trade, who had adopted the habits and practices, and carried on the trades and professions of Europeans. Why, then, did the hon. and learned Gentleman describe them as being in such a state of debased civilization? Because it was necessary for his purpose to show that they could have no rights, or at least that those rights were not to be respected. He now came to that which was undoubtedly the main question —the effect of the Treaty of Waitangi, made under the direction of Lord Normanby, and confirmed by the noble Lord the Member for the city of London (Lord John Russell), the predecessor of Lord Stanley. In order to shake the weight of that Treaty, the hon. and learned Gentleman commenced, with those powers of keen sarcasm which he possessed, by throwing ridicule upon all the proceedings with reference to New Zealand. The hon. Gentleman declared that it was now time there should be an end of solemn grimace —that a stop should be put to tomfoolery; and he said, "The whole thing is a farce; you enacted that farce for your own benefit; it is not now convenient to carry it on, and you are at liberty to abandon it." [Mr. *C. Buller* had not said so.] The hon. Gentleman denied that that was the tenor of his argument; but he would at least admit, his argument was, that the New Zealanders were a people who were not competent to become parties to a Treaty, and that it should be considered as not made. The hon. and learned Member had stated that our right to New Zealand was founded on our discovery of the country; that no steps had been taken which could be considered to have invalidated that right; and that, if we meant to maintain

the sovereignty of New Zealand, we must stand upon our original right of discovery. On referring to the proceedings which took place with reference to New Zealand in 1840, he found in the Parliamentary Papers of that year, page 68, a Memorandum (dated March, 1840), in which the recognition of New Zealand as an independent country was distinctly sworn to have been made, not only by the Executive Government, but by successive Acts of Parliament. The independence of New Zealand was recognised by a succession of Acts commencing in 1814; it was expressly recognised by King William IV.; and he found that a Bill introduced into that House with reference to New Zealand had been rejected, he believed with the consent of the noble Member for Sunderland (Lord Howick), on the ground that Parliament could not legislate for a territory not within the dominions of the Sovereign. He believed the objection to that measure was, that New Zealand was not a part of His Majesty's dominons, and the Bill was withdrawn. How could they, then, after so solemnly recognising the independence of New Zealand, turn round and deny that independence? In the instructions issued by Lord Normanby, at the time he was Colonial Secretary, New Zealand was treated as a perfectly independent country, which we could only obtain by cession; and directions were given to obtain such cession from the New Zealanders as from an independent people. This was the ground they had taken with reference to other countries, and it was the ground upon which alone, in common honesty and honour, they could stand. But, as if to perfect the evidence on this point, it appeared, according to Colonel Wakefield's Journal, that on his arrival in New Zealand with the Company's preliminary expedition, instead of hoisting the flag of Great Britain, he hoisted that of New Zealand. Much had been said as to the concessions made by the natives by the Treaty of Waitangi, and as to the construction which ought to be put upon that Treaty. Now, the provisions of that Treaty were twofold. In the first place, the natives agreed to cede the sovereignty of New Zealand to Her Majesty; and, secondly, Her Majesty undertook to guarantee to the chiefs and tribes of New Zealand, and their respective families, the full and undisturbed possession of their estates, lands, forests, fisheries, and other property which they might individually or collectively possess. It was now said, that they could not recognise in the natives the right to waste lands. But what were the facts? As early as 1836, there were 2,000 British settlers in New Zealand, who had obtained their lands entirely by purchase from the natives. So far, therefore, from the natives not having been in the habit of making sales of land, the number of settlers he had mentioned had established themselves by purchase. It appeared by the Papers before the House that from 750 to 1,000 claims were made by such settlers, extending to many thousand acres of land; and it was a very remarkable fact, that, out of that large number of claimants whose cases were inquired into by a properly constituted tribunal, the claims of only seven or eight were disputed. Yet the hon. and learned Member for Liskeard had asserted, that such was the state of titles to land in New Zealand that no safe titles could be obtained; and, that, in consequence of the practices and habits of the people, you could not recognise in them the claim to waste lands. He had seen scarcely any individual from New Zealand who did not admit that the natives well knew the boundaries of their respective districts, that they could point them out with the greatest precision, and that with proper precautions they might—as in the 750 cases he had mentioned—effect good and valid purchases, which were not likely to occasion any dispute. Such having been the condition of New Zealand when the late Government sent out a Consul to treat for the sovereignty, what was the course taken by the New Zealand Company in sending out their expedition? Did they proceed on the assumption that no land was to be acquired by purchase from the natives? On the contrary, their whole proceedings were founded on the assumption that the natives were competent to dispose of land; and the instructions they issued to their agent, Colonel Wakefield, as they appear in the Parliamentary Papers of 1840, were to acquire land by purchase. Colonel Wakefield actually did purchase land; and if any question had existed as to the right of the natives to dispose of their lands, the proceedings of Colonel Wakefield could leave no doubt in their minds on the subject. Colonel Wakefield asked the natives to sell him not small but large tracts of land; he proceeded upon the assumption that they had the power of disposing of waste lands, and in the purchase-deeds executed between him and the

natives the boundaries of the lands are described, by reference to mountains and rivers: and the New Zealand Company, on the faith of his proceedings, sent out thousands of settlers before they obtained the sanction and concurrence of the Government. It could not be expected, under these circumstances, that the natives would submit to Colonel Wakefield's afterwards turning round upon them and saying, "The land was not yours to sell." Nor was theirs the only case of a company buying lands. There was a case of a French Company, who proceeded on precisely the same principle upon which the New Zealand Company originally acted, that the natives had a right to sell waste lands, but with a very different result; for they were able to prove that their purchases had been validly and properly conducted; those purchases would be confirmed, and no difficulty whatever had arisen out of the transaction. Why had not the New Zealand Company adopted a similar course? They now alleged that the natives had no power to sell tracts of waste land. He would not enter into the question as to the general rights of savages in land; but he would remind the House that when the Company went to New Zealand, a practice of purchase and sale of waste land had been established by long custom and by habits of intercourse with Europeans, and that that practice was confirmed by the proceedings of the Company. Such being the practice before the assumption of sovereignty, he would show the House, that if it were possible by distinct words to recognise the right now disputed, of the natives to dispose of waste land, that recognition was given in the instructions under which the Treaty was made. These were the words used in the instructions by Lord Normanby to Captain Hobson, dated 14th August, 1839. After stating that the Government were not insensible of the importance of New Zealand to British interests in Australia—

"On the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836, to inquire into the state of the aborigines residing in the vicinity of our Colonial settlements, and have concurred with that Committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government."

Those were not the instructions of his noble Friend Lord Stanley, but of the Marquess of Normanby. But, on the face of these instructions, it did not clearly appear what was intended by the rights of land. It might have been supposed that they referred only to territorial rights, which was the construction put upon them by the hon. and learned Member for Liskeard, and not to possessory rights. [Mr. *C. Buller*: To rights of sovereignty.] Now, in order to put that question to rest, the subject of possessory rights was distinctly alluded to. It was foreseen that it would be necessary to provide for the colonists, and the question presented itself by what means that land should be procured. The hon. and learned Member for Liskeard roundly and boldly said, "we should have taken the waste land, have told the aborigines that they had a right only to the land they occupied, and that we would take the rest;" but the hon. and learned Gentleman left out of consideration the engagement under which we assumed the sovereignty of the country. But what was the opinion of Lord Normanby on that head? He quoted from the same instructions:—

"Having by these methods obviated the dangers of the acquisition of large tracts of country by mere land-jobbers, it will be your duty to obtain, by fair and equal contracts with the natives, the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers resorting to New Zealand."

Then was the House to be told that we could now assume the whole, without purchase, and declare that the New Zealanders had no right to any waste land whatever? Such being the instructions under which Captain Hobson proceeded to treat, he came to the Treaty made under them; it guaranteed not only to tribes, but to individuals, their lands, forests, and fisheries; that Treaty was made on the 6th of February, 1840. This passage occurred in the statement by Captain Hobson of the previous discussions; objections had been made; one of the chiefs came forward in favour of the Treaty, but he made this stipulation—"You must not allow us to

become slaves; you must preserve our customs, and never permit our lands to be wrested from us." It would be observed they had been in the habit of selling their waste lands; and how was it possible to say that in making this stipulation they looked only to some wretched spots which they had never been in the habit of parting with, or that we did otherwise than guarantee to them that upon which they set a value? But there was also the statement of almost every party concerned in the making of that Treaty. There was the statement of the Colonial Secretary and of the missionaries, though it was easy to throw imputations upon the missionaries in order to weaken their authority: the testimony of every one was unanimous on the question, and the natives relied fully on the faith of the Government being maintained. But it was said that the noble Member for London (Lord J. Russell) took a different view. Now, it fell to that noble Lord to approve the Treaty. Having before him the instructions upon which it was made, and Captain Hobson's statement that the stipulation was made by the natives to have their lands preserved to them, the noble Lord, in answer to the despatch transmitted to him by Sir George Gipps, wrote on the 17th July, 1840—

"Her Majesty's Government entirely approve of the measures which you adopted, and of the manner in which they were carried into effect by Captain Hobson."

This would be found in the Parliamentary Papers for 1841, No. 311, p. 10. But it was said, the noble Lord did away with this ratification by issuing a Charter, limiting what the natives were to have to what was "occupied or enjoyed"—a phrase which, by mistake, was stated in the Report of the Committee as "occupied and enjoyed," which certainly had a less extended signification. Now, after the noble Lord had made a Treaty and agreement, could any construction put by him upon that Treaty alter the nature of it? Could the rights of the natives under that Treaty be cut down to the limit of the lands they occupied, by a Charter made here without their knowledge, and by the noble Lord alone? But the statement, if good for any thing, was this—that the noble Lord departed from the erroneous principles adopted by Lord Normanby; for though the hon. and learned Member wished to concentrate all the blame upon Lord Stanley, it was difficult even for him, with all his ingenuity, not to throw some blame upon Lord Normanby, in praising the noble Member for London for having at last adopted a sounder system, and cut from these natives the rights intended to be given them by Lord Normanby. But, besides that Charter in November, with the words "occupied or enjoyed," there were given by the noble Member for London precise and definite instructions to Captain Hobson; and did he there repudiate the views of Lord Normanby? He said, in a letter dated 28th January, 1841—

"Her Majesty, in the Royal Instructions under the Sign Manual, has distinctly established the general principle, that the territorial rights of the natives, as owners of the soil, must be recognised and respected; and that no purchases hereafter to be made from them shall be valid, unless such purchases be effected by the Governor of the Colony on Her Majesty's behalf;"—

the very instructions given by Lord Normanby to acquire the waste lands by purchase. Nor is this all. In a subsequent part of the letter, the noble Member for London proceeded to direct the carrying out of those instructions, in all their fulness, on the very question of purchasing waste lands from the natives. And yet the House was to be told that he, with his greater light, departed from them, and saw that the waste lands belonged to the Crown, of right, and not to the natives. But the noble Lord, in the same despatch, recognised a still more definite title on the part of the natives than Lord Normanby had recognised; because he stated that—

"It would appear to be the custom or understanding of the natives, that the lands of each tribe are a species of common property, which can be alienated on behalf of the tribe at large only by the concurrent acts of its various chiefs. But this statement of so obscure a fact may be inaccurate; and it may possibly be the prevalent opinion amongst some of the tribes, that an individual has a valid title to a particular tract of it"—not a particular spot, but a particular tract;—"or, at least, has the power of disposing of it for his own benefit. Whatever may be the custom or prevailing notion amongst them regarding the right of property in land, and the right of alienation, a law should be enacted declaring the absolute invalidity of any conveyance, or contract, or will, for the disposal of land by any native chief or chiefs, or by any individual native, when the object of that contract, or conveyance, or will, is to transfer to any person of European birth or descent the land itself, except as thereinafter excepted."

Now, such being the proceedings previous to and at the making of the Treaty, it was

still said that the natives would have signed any other Treaty, giving up the sovereignty without any stipulation from the Crown, guaranteeing their right to their lands. In support of this, the Committee referred to particular evidence; but what was the true effect of that evidence? Not that the natives had no definite idea of what was meant by rights to land, but by cession of sovereignty. There was no question, and every inquiry confirmed the view, that they had a most distinct idea of what was the value of their land, and their right to it; and that they gave up the sovereignty on condition that their rights to the land were guaranteed to them by the honour of the Crown. With regard to the Middle Island, the hon. and learned Member treated everything done by the Government as a farce, and he need scarcely have taken the trouble to attempt to prove the Middle Island not affected by the Treaty; but the noble Lord would remember that, having received a proclamation stating the Middle Island to be ceded, he approved of it; and the very settlement in the south, which was occupied by the French, was obtained by cession from the native chiefs in that district. Such having been the original transactions, Lord Stanley, in assuming the seals of office, found discussions going on; and, as he had before stated, Lord Stanley had made every concession in his power until, in November 1842, new difficulties arose, and it was found that concessions could be carried no further, as this Treaty stood in the way. As to the incompatibility of the Treaty with the alleged agreement by the noble Member for London, or rather with Mr. Buller's construction of that agreement, there could be no doubt, after the line of argument adopted by the hon. and learned Member; but he (Mr. Hope) might, at the same time, take the written construction he had himself put upon it in a letter lately laid on the Table, dated 5th May, 1845:—

"It is impossible to reconcile the missionary system with that of the Company. In every respect they go on opposite principles. The avowed object of the missionaries has been to prevent colonization, to preserve the nationality of the New Zealanders, to keep them apart from European contact; the Treaty at Waitangi went on what is called the missionary principle; Lord John Russell went on what is called the colonizing principle in his agreement and other proceedings with the Company."

The noble Lord (Lord Stanley) found, therefore, according to this view, two inconsistent systems; and the first proceeding of the Company was, to call upon him to consider the Treaty as a mere device, and at once to be abandoned. They stated in a letter of January 24th, 1843—

"We did not believe that even the Royal power of making Treaties could establish, in the eye of our courts, such a fiction as a native law of real property in New Zealand. We always have had very serious doubts whether the Treaty of Waitangi, made with naked savages by a Consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment. But we thought it most probable, that whenever possession of New Zealand should be actually obtained by Her Majesty, the view hastily adopted by Lord Normanby would be found impracticable, and abandoned."

The advocates of the Company who appeared before the New Zealand Committee, stated that there was but one course to be taken. One of them was asked—"Then you will blot out the rights of the natives?" The answer was, "Yes;" that their rights were so complicated, that it was so difficult to understand them. We found the rights there—we guaranteed them—we undertook to maintain them; and yet, when we found it inconvenient, they were to be blotted out. Was that doctrine to be maintained? The construction which had been put upon the Treaty of Waitangi had been objected to. He did not think that the objection was valid, believing, as he did, that the construction was correct; but he might at least observe, that Lord Stanley was not answerable for that construction. For by whom was that construction put? Why, by an officer appointed by the noble Lord the Member for London; and there was one gentleman, in particular, Mr. Spain, whom he believed to be an able officer, and well known to the noble Lord the Member for Tiverton (Lord Palmerston), by whom that construction was made. He had no interest in defending him, but he believed that that officer only felt that he was discharging his duty; and it was hard to charge the noble Lord the Secretary for the Colonies for the fault, if fault there were, of an officer with whom he had no connexion. It was, however, not an unimportant consideration that those instructions of the noble Lord the Member for London had not been treated as merely waste paper. They directed that the waste lands were to be acquired by purchase. That was done to a considerable

extent by Captain Hobson. That was done by the Company themselves; and how could they now turn round and say that the whole was a mistake? Such being the state of matters when the Company called on Lord Stanley to find them land, or, as an alternative, to make compensation for an expenditure for which the Government and this country were not answerable, the noble Lord not unnaturally looked to the circumstances under which the agreement was made, and the terms of it; and instead of coming to the conclusion that the noble Lord the Member for London, in July, had made a Treaty, and in November had made an agreement wholly inconsistent with it, he (Lord Stanley) came to the very natural conclusion that the noble Lord, in November, had in view the Treaty which he had confirmed in July. And the House probably would be of the same opinion, if they considered the circumstances under which the Company applied to the noble Lord the Member for London. It appeared that they did not rely upon any Crown title of the lands they had acquired, but that they stated they had purchased them. As early as May, 1840, a statement appeared in the journals of this country, published by the Company, that large purchases had been effected—that Colonel Wakefield had bought extensive tracts of country; not only that, but it appeared, that before the Company applied to the noble Lord the Member for London, they had sent out two thousand settlers; and upon what title did they go? That of purchase from the natives only. At the time he had just referred to, before they had applied to the noble Lord, they had received from the public 107,000*l.* for land; and when they came to the noble Lord and stated, in this very agreement, that they had expended large sums of money in the purchase of land, was it to be presumed that that was a mis-statement, and that they had purchased nothing—the noble Lord, too, having declared that all land got from the natives was to be acquired by purchase? Was the noble Lord (Lord Stanley) to regard the whole of these purchases as mere waste paper, and that the whole responsibility of acquiring land by the Company was to fall upon him? The hon. and learned Member for Liskeard said that the noble Lord the Member for London had stated that he had granted to the Company an unconditional title. [Mr. *C. Buller* stated no such thing. He merely read a letter written by Lord John Russell to the Governor of the New Zealand Company, on the 29th of June, 1844.] Then he had misunderstood the hon. and learned Gentleman, and if it were only in that letter, then the noble Lord had answered in that proper mode in which an oracle should answer, by giving an answer that would bear a double construction. The noble Lord did not commit himself, for in that letter he said—

"I understood, in the first place, that the Company had made large purchases of land, fully equal to satisfy any claim they could make good under the agreement."

[Mr. *C. Buller:* Read on.] Well, he would read on.

"This is not merely a suggestion of memory, but it is shown in my despatch to Governor Hobson, dated the 22nd of April, 1841. I there state, 'by the terms of the contract between the Company and Her Majesty's Government, enclosed in my despatch of the 10th of March, it was provided that, in respect of their antecedent expenditure for colonization, a certain extent of land should be conceded to them.' 'It was further agreed, that this land should be taken in that part of the Colony of New Zealand at which their settlement had been formed, and to which they had laid claim in virtue of contracts made before your arrival in the Colony.' This passage appears to me to indicate a belief on my part, that the contracts previously made by the Company would fully enable the Crown to satisfy its engagements. But the case might arise that these contracts were incomplete; that the claims of the Company to land were either insufficient or totally unfounded. Would it, in that case, have been my interpretation of the agreement, that the Crown was released from its promise to the Company? or ought the grant of land to be delayed until the Company shall have established their title before the Commissioner of Land Claims? The only answer I can give to such a question is, that I believed the extent of land which it would be in the power of the Crown to grant, to be far greater than would be enough to satisfy its engagements. I did not suppose that any claim could be set up by the natives to the millions of acres of land which are to be found in New Zealand, neither occupied nor cultivated, nor, in any fair sense, owned by any individual."

It was impossible, from the terms of this letter, that it could be said the noble Lord looked to an unconditional grant to the Company. But that was not all: it appeared that the Company alleged they had laid out 60,000*l.* in the purchase of land. [Mr. *C. Buller:* Not all in land.] It might not have been all laid out in land;

but the question was, whether the Company had any land. The Company claimed as against the public 60,000*l.* for purchases made by them of land; and yet they claimed, under the agreement with Lord John Russell, from the Government, compensation upon the ground that they had not made any such purchases. The only construction which could be put upon all this was, that their purchases were not satisfactory. He must contend, that according to the terms of the agreement with the Colonial Secretary (Lord John Russell), of November, 1840, the fact of the purchases by the Company was distinctly stated in it; the only description of the part of the island where the land was to be taken was by a reference to those purchases; and so far from the noble Lord the Member for London undertaking generally to find merely a certain quantity of land, the Company were to select particular spots. Instead of depending upon the noble Lord to find land for them, it was expressly stated in the agreement that they had then actually sold the land to others; and unless they had really, as they alleged, extinguished the title of the natives to a large extent of country, the surrender they professed by the agreement to make of a surplus to the Crown was merely illusory. They were to take their lands in particular localities; but those localities might be such as were occupied by the natives. And so it turned out; for the lands claimed were in the occupation of the natives. It was clear that the noble Lord considered that, by the general terms of the agreement, the Company were required to take possession of specific lands, alleged to have been purchased by themselves; and the demand which was now made, after having failed in proving the validity of their purchases, was wholly unjust. But it was said that the accountant (Mr. Pennington) had settled the question; but how could that gentleman settle the question between the natives and the Company? It was impossible to be maintained that the decision of a person appointed by the noble Lord (Lord John Russell) to investigate in London a mere pecuniary question between the Government and the Company, would be treated as that of an arbiter to decide the rights of natives to land, which it is impossible to ascertain, except by inquiry in New Zealand. Unless the noble Lord stated so himself, he should never believe that the noble Lord put such a construction upon the nomination of Mr. Pennington. He would refer to one further subject upon this point. The hon. and learned Member for Liskeard, being well aware of the statements made relative to the construction put upon the agreement by the Company's own agent, had endeavoured to weaken their force. But what was the view taken by Colonel Wakefield in his letter to Governor Hobson, dated 24th August, 1841. Colonel Wakefield said—

"It is presumed in the arrangement that the Company has acquired a valid title from the natives to a very large territory on both sides of Cook's Strait, to which they lay claim, and to which their settlements are to be confined."

This was no Colonial Office construction. After stating what the condition of the grants were to be, Colonel Wakefield stated:—

"Provided always, that if any part of the said lands shall, upon due inquiry, be found not to have been validly purchased from them before the date of the alleged purchase by the New Zealand Company, full compensation shall be made to the natives."

In answer to this letter, the Secretary of the Company replied,—

"30*th April*, 1842.

"The Court entirely approves and commends your conduct of the important negotiations with the Government, to which your despatch of the 11th September relates."

But that was not the only case in which the Company's own agents put a construction upon the agreement. The Agent, when the Commissioner proceeded to inquire into the validity of the purchases, made no objection to the construction thus put upon the agreement, but proceeded to examine the proofs of the purchase in each case. Colonel Wakefield continued, in a letter dated 30th May, 1842—

"I have not the smallest apprehension as to the result of the inquiry; nor do I think that Mr. Spain has any idea of the validity of the Company's titles being questionable. The impression prevails here that that gentleman's instructions from the Colonial Minister have been overruled, or much modified, by Governor Hobson, to meet the conditions of the Treaty of Waitangi. These conditions rendered it imperative on the Government, before making any grant of land, to acquire it by purchase from the natives; and it is to be presumed that the Governor, in charging Mr. Spain to investigate the Company's titles, intended only to fulfil that compact, although in doing so he should not follow the instruc-

tions of the Colonial Minister any more than he has done in maintaining three Commissioners, after the express appointment of a single one by the Home Government."

He (Mr. G. W. Hope) thought that the reason of the thing, and the circumstances under which the contract was made and assented to, were alone sufficient to prove that the construction put upon it by Lord Stanley was inevitably right. [Lord *Howick:* Hear.] The noble Lord thought differently; but the noble Lord would excuse him if he thought otherwise. Lord Stanley was charged with a breach of faith, with fraud, and with every species of dereliction of duty, for maintaining a construction of this agreement, which construction, nevertheless, the hon. and learned Member for Liskeard must admit was, whether right or wrong, the very construction adopted by the Company's own Agent a year before this dispute arose. He would now address himself to the transactions of May, 1843, in which Lord Stanley was charged with fraud and deceit. It was affirmed by the hon. and learned Gentleman (Mr. C. Buller) that Lord Stanley had given a guarantee for the final possession of all the lands by the settlers. [Mr. *C. Buller:* No, no!] Most certainly the hon. and learned Gentleman did, and when he dissented for a moment by the exclamation of "No!" there was a loud shout, and the hon. and learned Gentleman could not help observing "that a little bit of Colonial Office practice had just peeped out," and now he said he never used those words. When the hon. and learned Gentleman had stated that his noble Friend had guaranteed the lands, he said "No;" and the hon. and learned Gentleman went on delighting himself that a little Colonial Office practice had been brought to light. But he would come to the substance of the proceeding. The hon. and learned Gentleman said that the Government undertook to grant the Company's settlers conditional and *primâ facie* titles; and then he alleged that a quibble had been raised about the demands. Now he (Mr. Hope) was not prepared to justify all that the Governor of New Zealand had done. He was not prepared to say that Captain Fitzroy had done all that was expected from him. But he (Mr. Hope) most certainly was of opinion that Captain Fizroy had done himself injustice in many instances by the deficiency of information which he sent to the Government; and he was prepared to show that Captain Fizroy had done his best to put the Company's settlers in possession of their lands. An attack had been made on Captain Fitzroy on account of the case of Taranaki. That arose out of the reviving rights of slaves. By the influence of Christian missionaries, some of the people had been induced to release their slaves, and then arose the question to whom the land belonged: whether to the conquerors, or to the slaves, by the revival of their rights when made freemen. That was at least a very difficult question, and Captain Fitzroy stated that the case was so voluminous, that he had not been able to send home all the documents. Now, he would give Captain Fitzroy credit for good intentions, waiting till the whole statement was before him. He would now advert to Wellington and Nelson. By the statement made by the Company's own Agent, in the Seventeenth Report of the Company, it appeared that there was no trouble given by the natives in the neighbourhood of Wellington. All was quiet there. The same appeared to be the case as regarded Nelson. In the immediate neighbourhood of that place there was no real difficulty with the natives. In Taranaki, too, though the settlers there were not so numerous as at the other places, measures had been taken by Captain Fitzroy to put them in possession of land, and they were now in peaceable possession, by agreement with the natives, of such land as they required for occupation. Thus he had shown that, in three principal settlements, Captain Fitzroy had put the settlers in peaceable possession of their lands. With respect to the Valley of the Hutt, there had been a constant dispute as to the occupation, and every endeavour had been made by Captain Fitzroy to settle it. A compensation had been made to the natives and accepted, and Captain Fitzroy expected that they would retire; but by later accounts it appeared that they had refused to do so. Captain Fitzroy, so far from not exerting himself to put the settlers in possession of their lands, appeared, according to the Company's report, to have had recourse to military force for that purpose. Captain Fitzroy first negotiated; and negotiation failing, had recourse to force, but surely he could not be blamed for negotiating first before having recourse to force; but, if this were so, how could Captain Fitzroy be charged with taking no trouble on the subject? While the hon. and learned Member made it a charge against Captain

Fitzroy that he had not granted conditional titles to the settlers, he would inform the hon. and learned Member that there were 400 deeds of grant in the office at Auckland, which they had not thought it worth their trouble to take out. With regard to Lord Stanley, he denied that the charge of bad faith could be brought against that noble Lord. But the noble Lord was likewise charged with all the disasters which had occurred in the Colony, and more especially that lamentable occurrence which had taken place at Wairao. The blame, however, of those transactions rested with other parties, and not with the noble Lord. What was stated in the Resolution of the Committee? That the conduct of the New Zealand Company in sending out settlers to New Zealand, not only without the sanction, but in direct defiance of the authority of the Crown, was highly irregular and improper. That was the Resolution of the Committee, and he had no hesitation in saying that the difficulties in New Zealand were mainly to be attributed to the unauthorized and hasty proceedings of the New Zealand Company. For what was the cause of all the difficulties of the Colony? By the admission of all, disputes as to the occupation of land. But did not these disputes necessarily flow from the proceedings of the New Zealand Company? In May, 1839, they sent out an agent to acquire land. In the beginning of September of the same year, they sent out 846 settlers, the first purchase of land by the Company from the natives not being made till the end of September, 1839. This was shown in the Parliamentary Papers of 1840 relating to New Zealand, page 82. So that these 846 persons were sent out as settlers on the Company's land before the Company knew whether they should be able to purchase, and before the purchases of lands were made, on the faith of which they had been induced to go. What was the character of the people with whom they were to deal? In page 596 of the Report of the New Zealand Committee, the Company's officer, Colonel Wakefield, in his Journal, speaking of the very first purchase that he made, stated that he found 300 natives prepared to fight in defence of their land, never having made a sale before. He also described having seen 300 men fall in military order: and a battle, in which 700 fighting men had been engaged, as having recently taken place in the neighbourhood of his intended purchase. The hon. Gentleman then proceeded to state that the natives were totally void of the fear of death, and gave an instance of their contempt of pain, in the case of a native who had had his arm amputated by an English surgeon, and after the operation threw it up in the air, and cried out, "Well done, white man." Yet in the middle of such a people did the Company proceed to found a settlement. Nor was that all. Colonel Wakefield had been forced to make purchases of land in a hurried and incomplete manner: other witnesses spoke to this; but Mr. Spain's testimony was explicit, that Colonel Wakefield's purchases were incomplete, and that he did not acquire a proper title to the lands he alleged himself to have bought; but nothing could be stronger than Colonel Wakefield's own statement in his letter to the Company of April 15, 1843,—

"The Court is not ignorant of the duties which devolved upon me in the early days of the Company's existence; of the necessity of acquiring a territory on which to locate the emigrants destined to follow me from England with so little delay, without the sanction, if not in direct opposition to the wishes of the Government; of the difficulty of obtaining in a limited period a clear and indefeasible title to sufficient land to enable the Company to meet its engagements, in a country where such confusion as to proprietorship existed as I found here."

The incomplete nature of his transactions was forced on him by the precipitate conduct of the Company in sending out settlers before proper preparations had been made for them; and when the hon. and learned Member for Liskeard charged upon the Colonial Office the deaths of the unfortunate persons who were lost at Wairoa, he was only shifting the blame from the shoulders of the Company, for it was to their precipitancy that all the differences with the natives were to be traced; and in proof of this, he would allude to the first contentions between the Colonial settlers and the natives, which arose from a change in the site of the town of Wellington. Originally it was fixed at a place called Petoni, of which the sale was admitted by the natives, but this was found not suited to the purpose. The site was then changed to the present one, of which the sale was denied by the natives from the very first, and thence had arisen the bad feeling on the subject. He further contended that the demand made by the Company to be put by the Crown in possession of what they claimed, was wholly

unsupported by the Resolutions of the Committee, as they claimed not mere waste land, but land actually occupied and enjoyed by the natives; that they had sold land so occupied to European settlers before they even applied to the Government; and that the differences between them and Government had arisen from their having made a demand, which asserted that Government had guaranteed them possession of these lands, and maintained an obligation to have been contracted by Lord J. Russell to dispossess the natives of them. He now came to the important question of the present state of the Colony. The hon. and learned Member for Liskeard had represented the whole of that country as in the most perilous and critical condition. The hon. and learned Member spoke partly, he (Mr. G. W. Hope) believed, on the authority of Dr. Evans, who had lately returned from the Colony. Now, Dr. Evans left the Colony on the 7th of December last. He wished to make no imputation on the statement of Dr. Evans, which had appeared in the public prints; but Dr. Evans' impression, when he left the Colony, was that some great and general rising was apprehended. But he had seen a gentleman who had brought intelligence of a later date, from whom it appeared that up to the 19th of February no collision had occurred at Wellington. He (Mr. G. W. Hope) had also got information from Nelson up to the middle of January, and no apprehensions were then entertained there. The relations of the settlers with the natives of Auckland were in a satisfactory state. In the Bay of Islands, which was 130 miles from Auckland, disturbances had occurred, consisting partly of attacks on the Government, and partly of outrages on individuals. From the statement of the magistrate before whom the depositions relating to the transaction were taken, it appeared that of the two cases of outrages which had occurred, one was very slight, and the other had been very much exaggerated. He said, therefore, that events had not verified the apprehensions that were entertained in December. Though there was an uneasy feeling of insubordination among the natives, the feeling of apprehension was confined only to particular districts at the date of the departure of the latest information. With respect to the military force on the island, it might be satisfactory to the House to learn that, in addition to the troops that had been obtained by the Governor from New South Wales, a regiment, which was about to leave this country under orders for New South Wales, had received orders to sail for New Zealand; and he had had great pleasure in being able to assure various relatives of persons in New Zealand, who had made application at the Colonial Office, that such a force would be placed at the disposal of the Government of New Zealand as, in the opinion of Captain Fitzroy and other persons, was necessary to maintain a moral influence in the country. A vessel of war had already been stationed there. A misrepresentation had been made of what had fallen from him the other evening, which he was desirous to correct, namely, that in his answer to the hon. and gallant Member for Westminster (Captain Rous), he stated that the recall of Captain Fitzroy was in no way connected with the charges that had been made against him as Governor. The absurdity of the statement refuted itself. It was only as Governor that the Home Government knew him. What he stated was, that the recall of Captain Fitzroy was not connected with those charges which had been made against him, affecting his character as a man of honour and a gentleman. And the Government, thinking it necessary to make every allowance for the difficulty of his position, had supported him as long as they thought it consistent with their public duty to do so. He could not produce, at present, the despatches recalling Captain Fitzroy; but he would state generally what the grounds of his recall were: first, the omission on his part to send the necessary reports of his proceedings, without which it was impossible for the Government either to judge of the propriety of what he had done, or to justify the course he had taken; secondly, his direct disobedience of his instructions on the important questions of finance, land, and militia; thirdly, the want either of judgment or of firmness in his proceedings with regard to the natives: of judgment, if he sent for troops unnecessarily—of firmness, if, having sent for them properly, he did not use them; and lastly, the hasty and apparently inconsiderate course of his legislation—which, in addition to the evils of rapid change, was also liable to the serious objection that, from the distance of many of the settlements, the objections or remonstrances of the settlers could not even reach the seat of Government in the time which elapsed between the proposal of se-

veral important measures and their final enactment into laws. As regarded the claims to land of the New Zealand Company also, although he believed that on this as on other questions he had done himself injustice by his silence, he appeared not to have executed the instructions issued to him; and although he did not doubt that Captain Fitzroy believed that in doing, as he had shown he had done, all he could to obtain actual possession of land for the Company's settlers, he was substantially executing his orders—he admitted that he ought, if he had been requested to make *primâ facie* grants under Lord Stanley's instructions (of which, however, he, Mr. Hope, had no evidence), not to have refused to do so. But he could not conclude this part of the question without again bearing testimony to what he believed to be Captain Fitzroy's anxious desire to do his duty, and the courage with which he undertook the responsibility of what he considered essential to the performance of it. Having touched upon the causes of Captain Fitzroy's recall, he would proceed to the course which it was proposed to adopt in consequence. Her Majesty's Government considered that at the distance of the other side of the globe, when a year must intervene between each question and the answer to it, and that answer might find the whole state of circumstances altered, it was absurd to attempt to prescribe the details to be adopted —that the only course was to choose a person of known ability, discretion, and experience; to point out to him the general views of the Government; but to leave him a wide discretion as to the mode of carrying them into execution. With this view Government had selected Mr. Grey, now Governor of South Australia. He had been appointed by the noble Lord opposite five years ago, to execute a very similar service in South Australia; except, no doubt, that the difficulties of that Colony were not aggravated by the presence of a numerous, half civilized, and warlike race of natives. The task he had executed, by the admission of all, in a manner most creditable to himself. The instructions with which he would proceed, he could not at present be expected to produce to the House. He would, however, state generally that they contained a disapproval of many of Captain Fitzroy's proceedings, more especially as regarded finance and land, with an expression of a wish that he might be able to retrace his steps; though leaving him, under the circumstances of the great difficulty of in any case undoing such acts as had been done, more especially after the lapse of a year and a half, during which they had been in force, a full discretion whether to make the attempt or not; making, however, to the giving of these instructions the important addition of placing at Mr. Grey's disposal that amount of military and naval force which, according to the best opinions, would be sufficient to enforce the observance of, and ensure respect to whatever laws, on full consideration, he might determine to adopt. Such, he contended, was the only practical —the only rational course to pursue. He would contrast with it the course proposed by the hon. Member for Liskeard. Of the long string of Resolutions proposed, he believed he might assume that the first, second, and fifth, relative to the Treaty of Waitangi, being injudicious, and calling upon the House to assert a title to all waste lands, respecting only land in the actual occupation of the natives, were the most important; and from the whole tenor of the hon. Member for Liskeard's speech, it was clear that he wished the Treaty to be considered as a fiction, and all right of the natives, except as allowed by that Resolution, to be disregarded; and he professed to urge the adoption of these Resolutions simply, and as they stood, on the authority of the Select Committee which sat last year on New Zealand. But, was he justified in doing so? Although the Committee stated in these Resolutions their views of the abstract right of the Crown, did they advise their assertion? Far from it. Though the hon. Member adopted the Resolutions, he omitted the modifications by which the Committee, in their Report, accompanied and qualified them. He would read them to the House. In the fifth page of the Report it is said—

"The information which has been laid before us, shows that these stipulations, and the subsequent proceedings of the Governor, founded upon them, have firmly established in the minds of the natives, notions which they had recently been taught to entertain, of having a proprietary title of great value to land not actually occupied."

And again, in page 9, after giving their general views, so far from pressing their immediate adoption, they state distinctly—

"That they are not prepared to recommend that the Governor should be peremptorily ordered to assert the rights of the Crown as they believe them to exist."

Yet, in the face of this qualification, the hon. and learned Member relied upon the authority of the Committee for the seizure, by the Crown, of the whole waste lands of the Colony. But if the previous practice was an obstacle to the adoption of the views of the Committee a year ago, was it less so now? Did not every month which had passed add to its force? In addition, however, to what was contained in his Resolutions, the hon. and learned Member for Liskeard had spoken of the necessity of having a popular legislature. The hon. Member was much mistaken if he supposed that, as far as the Colonial Office was concerned, the leaving the Colony itself to settle its difficulties would not relieve that Office from a considerable amount of trouble. By the institution of a popular legislature, the Colonial Secretary would be freed from much responsibility with respect to many important matters. The great difficulty in the way of accomplishing such an object was, that they had there a population of only 15,000 British, whilst the native population amounted to 100,000. There was a difficulty in forming a legislature in which the natives would be fairly and fully represented, without British interests being endangered. It would certainly be absolutely necessary to carry on legislation with the greatest care. But to return to the Resolutions of the hon. and learned Member. If the hon. and learned Member wished the House to disregard the qualifications of the Committee, and the despatch of Lord Stanley of the 13th of August, 1844; why had the hon. Member allowed so many months to elapse without proposing what he had proposed that night? If he imagined the adopting the Resolutions would tend to benefit the natives, to bring about the pacification of the Colony, or promote its harmony, he should not feel it his duty to oppose them; but convinced as he was that it would be a fatal step to declare such rights over the land of New Zealand, as those which it was their main object to assert; that considering, by the admission of all, that this step would unite against us the otherwise discordant tribes of New Zealand; and, moreover, believing it to be a measure of which the inevitable result would be resistance and bloodshed, he for himself, and on behalf of Lord Stanley, protested against them. The first and most necessary course to take for the welfare of the island was to maintain inviolate the faith of this country to the natives; and however the hon. and learned Member might ridicule the provisions of the Treaty, he contended it ought to be solemnly maintained. It was by convincing the natives of the justice of the laws of this country that they could alone secure the settlement of New Zealand. It was by such measures alone that they could succeed in building up their dominion in that country. Their power would not then rise on the ruins of the aboriginal race; but they would combine them with themselves by links of fellowship, and at length they would break that spell which seemed, in all attempts at colonization, to the reproach of civilized man, to have made his advent the unerring forerunner, not of the civilization, but of the destruction of the savage.

Debate adjourned.

House adjourned at half-past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, June 18, 1845.

MINUTES.] BILLS. *Public.*—1°. Sir Henry Pottinger's Annuity; Merchant Seamen; Art Unions.
2°. Arrestment of Wages (Scotland) (No. 2).
Private.—*Reported.*—Erewash Valley Railway (No. 2); Liverpool and Manchester Railway; Grimsby Docks; Middlebro' and Redcar Railway; Forth and Clyde Navigation and Union Canal Junction (No. 2).
3°. and passed:—Molyneux's Estate.

PETITIONS PRESENTED. By the O'Connor Don, from Kilfree, in favour of the Roman Catholic Relief Bill.—By Captain Gordon, Mr. H. Johnstone, and Mr. Lockhart from several places, against Universities (Scotland) Bill.—By Sir R. H. Inglis, from James Busby, of Victoria, New Zealand, for preserving Terms of Treaty of Waitangi.—By Mr. Mackenzie, from Commissioners of Supply, Heritors, and Justices of the Peace of the County of Ross, against Banking (Scotland) Bill.—By Dr. Bowring, from J. W. Caldicott, a Prisoner in the Gaol of Castle Rushen, Isle of Man, for Inquiry into his Case.—By Mr. J. O'Connell, from several places, against Colleges (Ireland) Bill.—By Mr. W. Wynn, from Llancynfelyn, and Pencarreg, for Establishment of County Courts.—By Mr. Ainsworth, and several other hon. Members, from a great number of places, in favour of the Ten Hours System in Factories.—By Lord John Russell, from Merchants and others of London, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. F. Baring, Mr. Sergeant Murphy, Mr. Standish, and Mr. Compton, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Baring, from Portsmouth, in favour of Physic and Surgery Bill.—From Leicester, for Uniformity of Railway Gauge.—By Mr. Ross, from Grocers and others, of Belfast, for Alteration of Law relating to the Spirit Trade (Ireland)—By Mr. Ainsworth, from Journeymen Tailors of Bolton, for Inquiry into their Trade.

COMMON LAW PROCESS.] Mr. *O'Connell* said, that he saw three Bills in the Orders of the Day for amending the Common Law Process in Ireland. He wished to know whether the Irish Judges had been consulted on these Bills, and whether

they were brought in on the responsibility of Government?

Sir *J. Graham* said, that they were not brought in on the responsibility of Government. He believed that the hon. Member for Cork had the care of them.

Mr. *O'Connell* then supposed that the Irish Judges had not been consulted; and it would better to get rid of them.

Mr. Sergeant *Murphy* said, that these Bills were originally introduced into the House of Lords, and had passed that House. The noble Lord from whom they originated had confided them to him; but he candidly informed the noble Lord that there existed great objections against the Bills by the members of the legal profession, when the noble Lord replied that he was not disposed to place himself in opposition to such parties. If, therefore, the hon. and learned Member for Cork (Mr. O'Connell) persisted in his Motion, he (Mr. Sergeant Murphy) should not object to it.

Mr. *O'Connell:* I certainly shall; and I think sufficient reason has been given for my doing so by the hon. and learned Member himself.

Mr. Sergeant *Murphy* moved the committal of the Common Law Process (England) Bill.

Mr. *O'Connell* moved, as an Amendment, that it be committed that day six months.

Amendment agreed to.

Bill to be committed that day six months. Also, the Common Law Process (Ireland and Scotland) Bill.

ARRESTMENT OF WAGES (SCOTLAND).] Mr. *T. Duncombe* moved the Second Reading of the Arrestment of Wages (Scotland) Bill.

The *Lord Advocate* rose to oppose the further progress of the Bill. He did not object to the 1st Clause of the Bill; but it was on the whole improperly drawn, and several clauses were imperfect. It would require very careful revision.

Mr. *T. Duncombe* said, that the Bill had been drawn by a Scotchman, and one supposed to be well acquainted with the legal phraseology of that country. The evil he sought to remedy was one of great importance. It was most objectionable that a person employing from two hundred to three hundred men, should be served on a Saturday night with as many summonses for the arrestment of the wages of his workmen; and that, in the event of his refusing to comply with them, an action might be brought against him by the persons suing. Claims were often made by persons, and summonses sent in, when not one shilling was owing to them by the workmen. No course of the kind should be taken until the Court had given judgment in the matter. Then one-half of the costs of such proceedings should be paid by the pursuer, and the other half by the person pursued; and in the event of no debt being due, the workman should be compensated by the person making the false claim. He was of this opinion, because the greatest extortion was practised on workmen, who would rather pay the amount claimed than lose a day's work. The arrestment of wages in Scotland had been productive of the greatest extravagance and of the greatest demoralization, and was opposed by both the employer and the employed. There was no law of this sort in England, and why should there be in Scotland? He had brought in a Bill for the assimilation of the law of the two countries, and very much regretted that he withdrew it. He was willing to leave the matter in the hands of the Government; but would not be satisfied that the Bill should be put off from day to day, and that legislation on the subject should be postponed.

Sir *James Graham* said, this was a subject most difficult of adjustment, and involved a question of great nicety. It had engaged the attention of Her Majesty's Government, who had submitted it to the consideration of a very eminent legal authority, who at first was of opinion that the law should be abolished; but, after further consideration, it was found that there would be a great objection to the total abolition of the law. The fear was, that the sudden abolition of a system which had endured long in Scotland, would cause the workmen to be more than ever dependent on their employers, by making the latter their only creditors; and another evil result to be apprehended was, the revival of the truck system—a thing which he (Sir J. Graham) believed to be most injurious to the working classes. He had, however, no objection to permit the second reading of the Bill; and, previous to the Committee, his learned Friend the Lord Advocate would confer with the hon. Member for Finsbury, for the purpose of removing all cause of objection to its further progress.

Mr. *Rutherfurd* was understood to ap-

prove of the course taken by the right hon. Baronet. He thought it absurd that Gentlemen who were entirely ignorant of Scotland and Scotch affairs should school Scotch Members on this subject. At the same time, he admitted that to pass the 1st Clause in the Bill would be beneficial.

Captain *Wemyss* would not have said one word upon this Bill, but for what had fallen from the right hon. Baronet. He (Captain Wemyss) was a coalowner, and paid 400*l.* a week to workmen, and he often had summonses sent in for 60*l.* of that amount. The power of attaching wages had the effect of encouraging shopkeepers who gave credit to profligate workmen, to the prejudice of the families of the latter. He was most anxious for the success of the Bill.

Bill read a second time.

RAILWAY CLAUSES CONSOLIDATION (SCOTLAND) BILL.] Mr. *Labouchere* begged to ask how long it was proposed to defer the discussion on the Railway Clauses Consolidation (Scotland) Bill?

The *Lord Advocate* replied, to that day week.

Mr. *Labouchere* saw no ground for postponement. The chief Amendment to be considered was, the Clause which had been introduced by the House of Lords to give compensation to trustees of turnpike roads in Scotland, for any loss they might sustain by reason of any railway running near their roads. If the learned Lord Advocate was opposed to this clause, then there would be no need of discussion, because the House of Commons had already rejected a clause of a similar description, when inserted in the Bill that was first introduced. It was a clause which had been engrafted upon the Government Bill by parties unconnected with the Government, and the principle contained in it was of infinitely greater consequence than the whole of the remaining parts of the Bill.

The *Lord Advocate* would bring on the subject the next day.

Sir *R. Peel* said, that the only reason he had for postponing it was to give room for the adjourned debate, and thus obviate any complaint that might be made of unfair advantage being taken. He would not then pledge himself to any definite course respecting the further progress of the Bill, until he had heard the discussion.

Mr. *E. Ellice*, jun., asked whether Government would state if they meant to adopt the clause?

Sir *R. Peel* would not pledge himself to adopt it.

Sir *G. Grey:* If the hon. and learned Lord Advocate would state that he meant to abandon the clause, all necessity for discussion would be obviated.

Mr. *Warburton* said, that the circumstances connected with the progress of this Bill were so peculiar as to call on the House for interference. It was first brought in without the objectionable clause; in its progress through the House the clause was surreptitiously inserted; the irregularity was discovered, the Bill was withdrawn, it was re-introduced without the clause, and sent up to the other House. Subsequently it was returned, the clause having been again inserted by their Lordships. He hoped, therefore, that either the clause would be withdrawn altogether, or another Bill be brought in by the noble and learned Lord.

Mr. *Brotherton* doubted whether it was not an infringement of their privileges for the House of Lords to insert a clause which the House of Commons had previously discarded.

Lord *J. Russell* said, that one of two courses might have been taken—either the clause might have been introduced into the Bill in that House, when it would have been fully considered, or it might have been entirely omitted, and not been supported by the Government; but here a different course was adopted; and the clause which had been objected to in the Commons, had been re-introduced on the third reading in the House of Lords.

Mr. *Rutherfurd* would ask distinctly, did the Lord Advocate mean to adopt the clause or not? If he was not prepared to adopt it, then there was no reason for delay; the Amendments might be disposed of now.

Sir *R. Peel* was not aware that the question would come on at that moment, and therefore he had not given it that attention which he otherwise should have done. He must say, he thought the objections made by the House of Commons against the clause on a former occasion appeared to him to be reasonably grounded. He did not consider it was right to establish a rule with respect to Scotland different from what prevailed in England. And, certainly, if it were proposed to make such a rule as this clause contained applicable to England, he should feel it to be open to very great objections. He had not at all changed his opinion on this subject. He

did not see why any special exception should be made in favour of Scotland; and his own impression was against the clause. He did not think, however, that his hon. Friend (the Lord Advocate) was at present bound to state his opinion on the clause; but he would, of course, be prepared to do so when the Amendments came to be discussed.

Bill postponed to the next day.

NEW ZEALAND—ADJOURNED DEBATE.] Mr. *G. W. Hope* explained that he ought not to have stated, last night, his opinion of the natives on the authority of Dr. Evans. He had received his information from several other persons; and also with respect to the land, Dr. Evans's information did not agree with his, though the despatches of Mr. Wakefield, of the 8th of October, 1844, and 1st of December, to the Company, bore him out.

Captain *Rous* begged to remind the House, that if the Colony of New Zealand was in the deplorable state described last night, it was not his fault that the subject was not discussed some weeks ago. No personal interests, no ill-will to a living man, induced him now to take an active part in this discussion; but a most irresistible desire to make a straightforward, clear statement—to put the British public and the House in possession of the real facts of the case—and to give the Directors of the New Zealand Company a full opportunity of defending and explaining the charges circulated against them. He then proceeded to observe upon the gallant manner in which the hon. Member for Liskeard had come forward to attack the Colonial Office, representing, as he did, a body of gentlemen of the purest philanthropy, who had bought New Zealand shares, not for their own private emolument, but solely for the benefit of mankind. That hon. Member had represented the New Zealanders as barbarous cannibals and notorious liars; and no doubt the object of the Company had been to bring them to the highest state of refinement and civilization. In 1827, while in command of one of Her Majesty's frigates, he had an opportunity of making what the hon. Member had been pleased to call "hurry-scurry" observations upon the state of the inhabitants of New Zealand. He sailed through Cook's Strait, touched at the east coast of the North Island, and stayed some days at the Bay of Islands. Eighteen years having elapsed, the natives had made great and rapid advances in civilization; but in a country larger than Great Britain and Ireland, there must be a striking difference between the natives who associated with the Europeans and those belonging to distant tribes; he was speaking of the natives of the Bay of Islands. In those days, many seamen were employed in whale ships and in trading vessels to Sydney; they had built schooners and brigs under the direction of English architects, and a trade was carried on between Sydney and the Bay of Islands. Flax, pork, and potatoes were exchanged for gunpowder and muskets, at a benefit of 1,000 per cent. to the Englishman, and large tracts of land had been purchased from the natives by Sydney merchants and by some of the missionaries; but at this period the natives never experienced any inconvenience in giving up territorial claims. The land was generally conquered from weaker tribes; and it never was contemplated that the purchase included the pahs or fortified villages, the tabooed, the burial, or the cultivated grounds. It was considered an advantage to have an English resident, by whom they got European goods on better terms. Hence a New Zealand chief said, at the Treaty of Waitangi, "Queen Victoria buys the shadow of the land, but we retain the substance." To show the chivalrous courage of the people, he would state that he had visited a chief, whom the hon. Member for Liskeard had mentioned last night; that chief was then dying, having been mortally wounded, and he expired three weeks afterwards. The celebrated Shongee, who conquered all the northern part of the island to the River Thames, went, in order to put an end to the war, accompanied by only one friend, into the heart of the enemy's country, and proposed his terms: and when they were refused, this most dreaded chieftain was allowed to return safe, to renew a war of extermination. But the New Zealand native had been termed a natural liar. He could answer to the contrary from experience, as far as the Bay of Islands' men were concerned. Mr. Brown, a member of Council, just arrived from Auckland, had told him (Captain Rous) that a newspaper was weekly published in the native language, in which he saw an estate advertised by a tribe of natives, and two columns of names were given to designate the various lots of land; that in the Auckland country, every acre of land had a name and an owner;

and that he saw last year 400 acres of wheat cultivated by one tribe, and sold for less than 2*s.* per bushel. In truth, they were an intelligent people; and it was wonderful that Sir George Gipps, and the Select Committee of the House of Commons, should have assimilated these men to the natives of New Holland, and made no distinction between tribes of natives, some of whom lived 700 miles apart: this was the rock on which they had founded their error. The truth was, that the hon. Gentleman, or his friends, knew little or nothing of the real state of the country of which they spoke. They received their letters from Wellington, 400 miles distant from Auckland; and he made the same mistake as a Roman historian in the time of Cæsar would have done, if, in describing Britain, he had made no distinction between the Picts and East Anglians. From 1787 to 1820, New Zealand was considered a dependency of New South Wales; and from 1814 to 1820, Governor Macquarie appointed resident magistrates for facilitating the capture of runaway convicts. In 1825, a New Zealand Company was formed, under the patronage of the late Lord Durham, without the sanction of the British Government. They purchased two islands in the Thames, from which they were frightened away by the natives, and two small settlements at Hokianga and Herd's Point, both of which failed; and Mr. Bell described the property as wholly unfit for the seat of a considerable Colony. In 1832, Lord Goderich directed the Governor of New South Wales to appoint a resident at the Bay of Islands; and Mr. Busby was selected as Consul. In 1834, Captain Lambert, of Her Majesty's ship *Alligator*, presented the chiefs of the northern part of that island with a national flag from His late Majesty. It was received with due solemnity, under a royal salute from the frigate; and it was not a "sham," nor an idle compliment, for our Government sent out orders to the Admiral Commander-in-Chief in the East Indies to recognise it as a national flag; and thereby admitted New Zealand built ships into our harbours and into those of our allies on the most favoured terms, from which they were previously excluded. In 1835, when New Zealand was threatened with invasion by a mixed force of adventurers, under the Baron de Thierry, the chiefs of the Northern island assembled and sent a letter to His late Majesty, to thank him for the acknowledgment of their national flag, and to entreat that, in return for the protection and friendship they had shown to British subjects, he would continue to be the parent of their infant State, and their protector against all attempts on its independence; to which His Majesty, by the advice of his Ministers, returned a most gracious and favourable answer. In 1836, owing to an investigation by a Select Committee of the House of Commons, to ascertain the best mode of disposing of lands in Australia and in our other Colonies, the cupidity of certain hon. Gentlemen in this House was excited by the speculation of a Mr. Wakefield, who recommended New Zealand as a most highly favoured country, extremely eligible for colonization. A Society was formed, pamphlets were published, puffs appeared in the newspapers; and this Society proposed to the Government that they should be invested with power to facilitate colonization in New Zealand. This was the manifesto:—

"A recent change of opinion in this country on the subject of the rights of uncivilized nations, now forbids the invasion and confiscation of a territory which is as truly the property of its native inhabitants as the soil of England belongs to her landlords; and though it were as easy now to pursue the old course of substituting might for right, yet this would defeat a main object of the present undertaking. With our views, it would be a folly as well as a crime, to do violence to any inclination of the natives; and it follows that, in all our proceedings, the national independence of the New Zealanders, already acknowledged by the British Government in the appointment of a Resident and the recognition of a New Zealand flag, must be carefully respected; and especially, that we should not attempt to convert any part of their country into British territory without their full, free, and perfect understanding, consent, and approval."

This Company brought forward their proposal before a Committee of the House of Lords. Lord Glenelg opposed it; and it was rejected. A Bill was introduced into this House by Mr. Baring in 1838; it met the same fate. But, in defiance of the united authority of the Crown, Lords, and Commons, in 1839, they incorporated themselves as the British New Zealand Company, and their first act was to transfer 1,600 shares, or 40,000*l.*, to the members of the societies of 1825 and 1837, though the property at that time which the society of 1825 was supposed to possess in New Zealand would not have fetched 100*l.* in the Sydney market. A proclamation was issued, that the object of

the Company was not political, but purely commercial; they proposed purchasing and reselling lands in New Zealand for the purpose of emigration; and in a few days near 100,000*l.* worth of unconvertible debentures in the shape of land orders were sold by the Company, who did not possess one acre of land on a *bonâ fide* tenure, and ought to have been prosecuted for obtaining money under illegal pretences. In May, 1839, Lord Normanby having refused a charter of incorporation to this Company, an expedition sailed under the orders of Colonel Wakefield; and the Directors, without waiting for advices, sent out twelve ships, containing 216 cabin passengers, and 909 labourers and mechanics, who found themselves without shelter or protection in a wild, barren country, and exposed to the mercies of what hon. Members opposite designated barbarous thieves, liars, and cannibals. Fifty-three ships arrived between January, 1840, and March, 1843, carrying 8,280 persons; and their settlements were formed at Wellington and New Plymouth in the North Island, and at Nelson in the South or Middle Island. On Colonel Wakefield's arrival in New Zealand, ignorant of the language, character, and disposition of the natives, he had the good fortune to pick up an English whaler, Mr. Barrett, who had been leading a vagrant life with the natives; and, with this man's advice and assistance, and with an assortment of goods estimated at a very few hundred pounds, a territory was purchased from the 38th to the 43rd degree of latitude on the Western coast, and from the 41st to the 43rd on the Eastern coast, comprising an area of 20,000,000 of acres, from men who did not understand the meaning of latitude or longtitude. This raised New Zealand shares to 2*l.* premium. Mr. Carrington, the Company's surveyor at New Plymouth, stated that this district was never purchased from the natives, and that 14,000*l.* worth of goods, supposed to be paid to the natives, was purely imaginary; that Colonel Wakefield wrote to the Directors, informing them of the purchase of 20,000,000 of acres: and wrote nineteen days after to Mr. Barrett to say he could not expect the chiefs, who lived 150 miles apart, to meet under a month to discuss the question; that no reserved lands were retained for the natives, who had lost all confidence in the professions and promises of the Company's agents. It would appear by Colonel Wakefield's statement that a territory as large as Ireland was purchased by a curious stock of articles; 12 pair of shoes, 12 hats, 12 umbrellas, 6lb. of beads, 100 yards of riband, 36 razors, 36 shaving boxes, but only 12 shaving brushes, 12 sticks of sealing wax, 24 combs, and 144 Jews' harps, to be scrambled for. The Directors were profuse in this valuable item, under the impression that music would "soothe the savage breast" and "soften rocks;" but fearing the natives might lose caste and become too effeminate, they threw in 200 muskets and 360 tomahawks, some of which were fatally used against our own countrymen. "If you are Christians and love peace," said a New Zealand savage to a civilized Englishman, "why do you bring us gunpowder and muskets?" The two principal islands were computed at about 56,000,000 acres, of which at this period

Mr. Busby claimed . .	50,000
" Wentworth . . .	20,100,000
" Weller and Co. .	3,557,000
" Catlin and Co. .	7,000,000
" Jones and Co. .	1,930,000
" Peacock and Co. .	1,450,000
" Green and Co. . .	1,377,000
" Guard and Co. .	1,200,000

and the New Zealand Company 20,000,000 acres; so that, in the whole, 56,654,000 acres were claimed by only nine purchasers, leaving the natives 654,000 acres less than nothing. I mention these circumstances to show the House that these sales of land from the natives were fictitious, and that a court of land-claims to decide disputed purchases was indispensably necessary. Lord Normanby appointed Captain Hobson, first as Consul, afterwards as Lieutenant-Governor, and gave him these instructions, dated 14th August, 1839:—

"The Ministers of the Crown have been restrained by sttll higher motives from engaging in such an enterprise; they concur with the Committee of the House of Commons that the increase of national wealth and honour promised by the acquisition of New Zealand would be a most inadequate compensation for the injury inflicted upon her by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of the islands is indisputable, and has been solemnly recognised by the British Government. We retain these opinions in unimpaired force; and, though circumstances entirely beyond our control have at length compelled us to alter our course, I do not scruple to avow that we depart from it with great reluctance. To mitigate, and, if

possible, to rescue the emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of government. This is the object of your mission. All dealings with the aborigines for their lands must be conducted on the principles of sincerity, justice, and good faith. You will not purchase from the natives any territory, the retention of which to them would be essential, or highly conducive to their own comfort, safety, or subsistence."

Instead of doing so, that noble Lord ought, in mercy to the New Zealanders, to have laid an embargo on all the ships of the Company; unfortunately, he permitted the emigrants to proceed to their destination, yet he must have known at the time that he was wrong. *Video meliora proboque, deteriora sequor.* Captain Hobson arrived at the Bay of Islands on the 29th of January, 1840, and selected, first Russell, and afterwards Auckland, as the capital of the seat of Government; he also established a board of land-claims, and agreed to the Treaty of Waitangi. By the first, he destroyed the rising prospects of the Company's settlements; and this was his excuse to the Colonial Minister, Lord John Russell:—

"The industry with which the New Zealand Company have circulated throughout the United Kingdom, by means of the press, most exaggerated descriptions of the land at Port Nicholson, and very incorrect statements of the extent of country at their disposal, has had the effect of deluding the people of England into a belief that the nature of the soil and the facilities for cultivation throughout that district present advantages which are nowhere else to be found; that their title to the land is undisputed, and that the port is the finest in the Colony; all which reports are, in my opinion, unsupported by facts."

Captain Hobson also established a board of land-claims, and all purchases from the natives after that date were to be null and void. This was the second death-blow to the Company. The next important measure was the Treaty of Waitangi, guaranteeing to the chiefs and tribes, the full, exclusive, and undisturbed possession of their lands, estates, forests, fisheries, and other properties possessed by them, and extending to them all the rights and privileges of British subjects; notwithstanding which the Governor was purchasing land from the natives at 5*s.* per acre, and transferring it to the Englishman for 20*s.* per acre, thus robbing the native of 75 per cent. of his property, and making the Englishman pay 75 per cent. more than the native market price. It was easy to say to the New Zealander, "We have raised your land in value; it is for your benefit;" but who invited you there? What right had you to invade them? And, again, what says the English settler, perhaps a younger brother of good family determined to make his fortune in a new world? Why do you rob him of three-fourths of his capital? In England we are heavily taxed, but we enjoy an equivalent in the security of our persons and property; but in New Zealand you attempt to enforce an outrageous claim upon Englishmen, whose property you have no power to protect, and upon natives whom you have no power to coerce. Verily, the Treaty of Waitangi was little better than a legal fiction. In February, 1841, the noble Lord the Member for London was persuaded to give a charter to the New Zealand Company; and an agreement took place between the Colonial Office and the Company, that the Company was to wave all claims to land in New Zealand on the ground of purchases from the natives, and was to receive from the Crown a free grant of four times as many acres of land as it could prove it had expended pounds sterling for the purposes of colonization. This occasioned the celebrated dispute. The Government said, "Show us your million of acres, and we will confirm the grant." But if they had never purchased any land, how could the Government guarantee and make over to them that which they did not possess? They had either bought the land, or they had not; and if they had expended their money upon castles in the air, it was not the fault of the Government, and few men could read these articles of agreement without arriving at the same conclusion. In 1841, Captain Hobson, a very good and amiable man, worn out with cares and vexations, died; and Captain Fitzroy was subsequently appointed. He (Captain Rous) had the honour of his acquaintance, and believed him to be a very amiable and honourable man. The hon. Member for Pontefract (Mr. Milnes) informed us last night that the Romans had a different view of the value of land, and that naval officers were bad governors, as they were not accustomed to command. The first assertion was indisputable; but the second appeared strange, because naval officers are accustomed to command men from the age of thirteen. In all infant Colonies they selected a naval

man to cut through the jungles; when the Colony prospered, a military man superseded the naval man; and, finally, when the revenue improved, and macadamized roads were formed, the civilian displaced the soldier. He believed there was no man in the House who comprehended all the difficulties of an infant Colony, and especially those of New Zealand. When Captain Fitzroy arrived at Auckland in 1843, and found everything in confusion—no accounts kept, no records, he wrote to Lord Stanley—

"That his Government was the object of reproach by injured Europeans, and viewed with distrust and disaffection by the natives, who considered themselves overreached and betrayed by its proceedings."

The settlers and the natives were on bad terms; they had met on a field of battle, and the Englishmen had run away. This multiplied the difficulties of the Governor, as the supremacy of British courage was thereby extinguished. He had no troops, no money, no credit. The Colonial Government 24,000*l.* in debt, and 9,000*l.* owing to Government officers; public works at a stand-still, labourers unemployed and starving. He was forbidden to draw upon the British Treasury; he could not borrow money from the Colonial Bank, which was on the point of declaring itself insolvent. It was a case of urgent, imperious necessity, which admitted of no alternative but to issue Government paper at 5*l.* per cent. interest, which by the last accounts was at par. Was he wrong? Let any hon. Gentleman propose a better plan. The next charge against him was, that he abolished harbour and custom-house duties. The harbour dues had driven away all the whalers which periodically refitted in New Zealand; and they now go to the Feejee and Society Islands, to the great detriment of the natives; and no country gave so many facilities for smuggling, owing to the numerous creeks and the dispositions both of the natives and settlers. The Government had no power to prevent natives from going on board foreign ships, and purchasing any goods they pleased. Did the House know, that with the duty on tobacco, and the 4*s.* or 5*s.* a gallon on spirits, it was impossible to calculate upon any certain amount of revenue; and that the duties upon both these articles of consumption were extracted from the pockets of the working man? Was it not reasonable, then, to do away with them altogether, and substitute a property tax, which must be borne by those who were best able to contribute to the revenue? Whoever might succeed his gallant Friend, would find it impossible to collect these customs' duties. But the most serious charge against Captain Fitzroy was, that he protected the natives who murdered our countrymen at Wairoa, six months before his arrival. A Company's surveyor attempted to survey the plains of Wairoa, in defiance of the Colonial regulations, in the absence of the Protector. The chief burnt his reed huts, but took especial care to remove, and not to damage his property. The surveyor returned, accompanied by the police magistrate and an armed party, to take him on a charge of arson. Upwards of forty Englishmen armed to take Rauperaha in custody. They discover the chiefs on the opposite side of a creek. Seven of the party cross over, and the remainder are instructed to follow. A parley ensues. The natives inquired why our countrymen came there to molest them, and said they did not want to have anything to do with them. The chief constable then seized one of the native chiefs, and attempted to handcuff him; sixteen of the natives attempted to rescue him—a shot was fired, the battle commenced; the Englishmen ran away, and seven gentlemen, partially armed, were left at the mercy of the excited savages. Their lives hung on a single thread; at this moment, Rangihaeta's wife is brought in, shot dead by an Englishman. This decides their fate; but if a foul, horrible deed was thus committed, who will justify the aggressive party? But, supposing the Englishmen had been successful—what a solemn mockery of English law would have been acted! What a criminal farce! What outrages! For when was fear, armed with power, ever scrupulous in the exercise of it? Captain Fitzroy arrived there six months afterwards, and, looking at the matter in its proper light, did not interfere. He did, in fact, what any man, unless he were a member of the New Zealand Company, would have done. He did not try the natives; the time had long gone by: and he certainly, by the course which he adopted, virtually acquitted them. He could not have pursued any other course. A fair and impartial statement of this event had never been given to the public; but attempts had been made to prejudice the public mind against Captain Fitzroy, not only in this country, but in the Colony. Captain Fitzroy took the only course which true policy and wisdom dictated to fulfil the solid ends

of justice. Captain Fitzroy had fallen by the fiat of a respected and admired nobleman; but he (Captain Rous) hoped to see him, in his own profession, win golden opinions, and on some future day receive the thanks of the House of Commons. Now, he made two distinct charges against the New Zealand Company: first, that they had illegally sold land orders to the amount of 126,000*l.*, when they had not one acre of land *bonâ fide* belonging to them, before they had received a charter; secondly, of decoying men into their service, and inducing labourers to quit their homes, on the promise that they should be provided for, and then leaving them destitute. The Company received from May, 1839, to May, 1840, for land orders, 196,890*l.*; and after deducting 40,000*l.*, or 1,600 shares, unaccountably given away, only 160,000*l.* had been actually subscribed out of a capital of 300,000*l.*, when they shared dividends to the amount of 44,314*l.* Many unhappy labourers were decoyed from home under false pretences. This was one of the regulations:—

"On the arrival of the emigrants in the Colony they will be received by an officer, who will supply their immediate wants, assist them in reaching the place of their destination, be ready to advise with them in cases of difficulty, and at all times to give them employment in the service of the Company, if from any cause they should be unable to obtain it elsewhere."

That was the strongest inducement which could be held out to young, able-bodied men to leave their country; but the treatment which such persons had received did not accord with the promises which had been held out to them. In August, 1843, Mr. Wicksteed, the agent at New Plymouth, wrote to Colonel Wakefield:—

"Mr. Nairn, who acted as superintendent on the roads, with a salary of 3*l.* per week, has been discharged. I was enabled to effect this reduction by the success of an experiment, which has released the Company from the greatest part of the cost of employing the labouring emigrants. Finding that I could not get rid of them, even by sending them twenty-two miles inland, where there was little or no shelter; but that the men returned at the end of the week, many sick, and all miserable and discontented, I offered to the landowners to pay 6*s.* per week to the married, and 2*s.* per week to the unmarried, provided they would pay the amounts wanting to make up the Company's wages. This proposal was acceded to."

Mr. Wicksteed again wrote—

"You are aware that the emigrants in this settlement hold what they call embarkation orders, in which it is distinctly stated that the Company will at all times give them employment in their service, if from any cause they should be unable to obtain it elsewhere. Being unable to give any other interpretation to this promise than the words quoted seemed to imply, and yet bearing in mind that the Court of Directors view their engagements in a different light, I endeavoured to evade it, by sending the applicants for employment a long distance from home, making no allowance for time spent in the journeys, or for time lost in bad weather."

And he distinctly stated afterwards, to his employers, that stronger measures would have been enforced, but that they were afraid of an insurrection, and the storehouses were full of valuable goods. These were his charges against the New Zealand Company. If they could be explained away, no one would be more happy than himself to hear such explanation. If the statements which he had made, and the documents which he had read, were not strictly true, he would gladly make every apology in his power. As to the Report of the Committee, it was framed on the basis that a civilized power had a right of pre-emption to the soil, and that the natives of savage tribes had no valid title to their own land. Sir George Gipps quoted several legal authorities to convince his auditors; and he was sorry to say that he had convinced the Committee of the House of Commons, who ought to have known better, that by the old law of England they were entitled to the land in New Zealand. He had also quoted some of the most celebrated lawyers of the United States—Chief-Justice Marshall, Judge Story, and Chancellor Kent—as they gave him some information as to what had taken place with reference to the Americans and the aborigines of that country, the Indians. But Sir George Gipps and the Select Committee forgot that not one precedent, argument, or opinion so carefully collected, embraced the subject under discussion; these cases all related to American Indians, or to New Holland natives, whose independence we had never recognised, who had no national flag, who never enjoyed the rights and privileges of British subjects; and whose lands, fisheries, and forests were never guaranteed to them by a British Sovereign. Do not argue that the New Zealander is inferior to the American Indian;—that is not the question; it is whether we, as honourable men, should maintain the Treaty of Waitangi, which

was not made for the benefit of the natives, but in order to assume the sovereignty of the island for the Queen of Great Britain, without which she could have no power to control her own subjects. Supposing the Treaty with the New Zealanders had been confirmed and ratified by two civilized Powers, was there any man who would doubt but that it was good and binding? And because they had entered into a Treaty with the natives of New Zealand, which they might now find to be inconvenient, were they to treat it as little better than a legal fiction? If they valued the name of British Gentlemen, they were bound in justice to maintain their engagements. The Report said, that it was the interest of all parties that harmony should be re-established by mutual forbearance and moderation. They then went on to recommend the Government to seize all the waste lands as soon as they had a strong naval and military force; to form native troops under European officers; to arm the militia. What next? Jealousy and distrust amongst the natives would render them harmless; and this was the way in which harmony was to be restored by mutual forbearance! But the most extraordinary proposal on record was made by the Secret Committee of the New Zealand Company to Lord Stanley. He hated Secret Committees. They proposed, notwithstanding the miserable state of their finances, their apparent insolvency, to purchase a territory nearly as large as England and Scotland. They intimated to Lord Stanley that he should guarantee civil rights to the colonists. ["Hear, hear."] "Hear, hear," indeed; the rights of men whom they had ruined! and to confirm the privileges of the natives, whom they would not allow the legal possession of the very land on which they stood. Truth indeed is more strange than fiction. No body of men, however powerful they might be in rank and political power, would, he hoped, have influence enough to induce that House to do that which was not right and just. He hoped there would be but one opinion amongst them. He appealed to those Gentlemen who would not allow the rights of the Crown to tread upon the people, or the people to trespass on the privileges of the Crown; he hoped they would all join with him in a determination not to permit a powerful political body, like the New Zealand Company, to tyrannize over those unfortunate beings who were under their control; but that they would, if necessary, address Her Majesty to deprive them of their Charter; and the sooner they were extinct the better it would be for New Zealand, for the country, and the world.

Mr. *Aglionby* confessed, that he felt the difficulty of his position in rising to address the House upon this subject. Being a Director of the Company, and having a pecuniary interest in it, though but a small one, he was one of the parties whose conduct was under discussion. He, therefore, would rather have abstained from offering any remarks to the House upon the present occasion; but there were some points upon which he believed he might be permitted to touch. He had become connected with the Company advisedly; he had done so because it was an undertaking which he considered to have been commenced with the highest motives, and carried on with the best intentions. After three or four years' connexion with the Company, he had not regretted it down to that moment; and to the day of his death it would be a source of pride to him that he had been thus associated with gentlemen so high in character for benevolence and soundness of principle, as that Board of Directors of which he was a Member. The gallant officer the Member for Westminster, in his usual straightforward and honourable manner, had stated his opinions with regard to the Company, and said that their conduct demanded explanation. But the opinions he had expressed were founded upon representations which, though the gallant Officer might believe them, should be received with caution, for they were not entirely to be relied upon. He should abstain as much as possible from going into the details of the Company's wrongs; for this was a question of far wider importance than the interests of an individual, or of a company of individuals. It was a question of public interest; and he hoped it would be taken up, upon broad and statesmanlike views of policy, by those who had not the bias of personal feeling which it might be supposed he had. All the points to which the gallant Officer had alluded had been already investigated before a competent tribunal, a Select Committee appointed by that House; a tribunal where alone they could be fully and fairly searched into. He regretted that the hon. and gallant Gentleman did not cause

those points to be brought before that Committee; for, had he done so, he (Mr. Aglionby) would have met every point, and if the House would consent to go into Committee upon the subject now, he would meet the gallant Officer with substantial answers to every one of his statements, and satisfy the public, if not the gallant Officer. It must be obvious that it was not convenient to discuss such matters in a debate in that House, and he should allude to one circumstance only. The gallant Officer had mentioned the complaints made by a surveyor of the name of Carrington, who had returned from New Zealand, and who had, as he supposed, communicated a great deal of the information to the hon. and gallant Officer which he seemed to possess. He did not wish to express to the House his opinion as to the conduct of that individual; but would merely say, that if Mr. Carrington had any grievance, the courts of law were open to him to seek redress. Indeed, he was anxious that full justice should be done to that person. That House was the place of ultimate appeal for aggrieved parties; but he apprehended, that when a surveyor made an extortionate demand for remuneration for services he might have rendered, and which he undertook to perform under a written agreement, the question was one which should be settled elsewhere, and not in that House upon the *ex-parte* statements of any hon. Member. He thought he could satisfy the gallant Officer, that the information he had received upon the subject was totally without foundation. Mr. Carrington was examined before the Committee, and the answers given by him, to the questions then put, must be sufficient to satisfy any one who candidly and thoroughly considered them, that there was no ground for his statements; but, unfortunately, that gentleman persisted in his statements, and went to the gallant Officer, or other hon. Members, telling his own story, and accusing Colonel Wakefield of having made false representations. The fact, however, was, that the Commissioner of Land Claims had reported that in New Plymouth (the place in question) the land, namely, 60,000 acres, was fairly bought and fully paid for to the right people. Would not that shake the gallant Officer's opinion of the statement of Mr. Carrington? He (Mr. Aglionby) had applied in vain to the Colonial Office for the Papers; he wanted to get a copy of the award, but he could not, nor any of the official documents. The Land Commissioner awarded in favour of the Company. The Governor, however, wished to put his veto upon it, though he did not think the Governor possessed the power of doing so; he would not confirm the award because certain other natives, a third set of claimants, required to be paid for the land; and the Governor declared that a third payment should be made to that third body of claimants. The gallant Officer had made a broad assertion that the Company had swindled the people out of their lands and the money too, and alleged that only 160,000*l.* had been subscribed towards a professed capital of 300,000*l.* If the House would go into Committee on the subject, he would prove by documents that the hon. and gallant Gentleman was entirely misled. The Company had paid 200,000*l.*, and was pledged to more than two-thirds of the remaining 100,000*l.* With regard to another charge, of the Company having received a dividend of 10 per cent. one year, he contended that, considering the manner in which the capital of the Company was sunk in the undertaking, the dividend of which the hon. and gallant Member complained, was certainly not more than the proprietors had an undoubted right to expect. It would, perhaps, have been better if the Directors had told the Company they would only give them a dividend of 5 per cent., and that they would recommend the application of the remainder to the establishment of a sinking fund. That was the course which he, for one, would have preferred; but still it should not be forgotten that, calculating the dividend from the beginning, the Company in reality received only about 5 per cent. He believed the hon. and gallant Officer would be surprised to learn what very little ground existed for charging the Company with secrecy. He did not think the Company had any secrets whatever. When Lord John Russell appointed an accountant to investigate the affairs of the Company, he was allowed free access to every document belonging to the Company; and if the hon. and gallant Gentleman would favour him with his company to their Board Room, he would procure for him access to every information he might require. It would be too much to expect

that the House should devote its time to the examination of matter of detail; but if the Committee for which his hon. Friend contended were granted, it would have all the documents and facts before it. The Select Committee of 1844 had the entire case fully before it; and yet, with the exception of their first Resolution, they did not express one word of disapprobation in their Report of the conduct and acts of the Company. On the contrary, every allusion to the Company which the Report contained was highly laudatory and flattering. They expressed themselves perfectly satisfied with the provisions made by the Company for securing reserves of land for the natives, and also for providing schools and academies, and in every respect attending to the wants and comforts of the settlers. The hon. and gallant Member for Westminster alluded to the Company having sent out persons to colonize New Zealand, without the necessary steps having been taken to provide for their support. As this was a subject which interested a considerable number of persons in this country, whose friends had emigrated to that Colony, he might be permitted to read to the House the evidence of Lieutenant Lean, who had been employed under the Colonial Land and Emigration Commissioners to superintend the emigration to the Colony. Lieutenant Lean was examined by him (Mr. Aglionby), and in consequence of his connexion with the Company, he expressly avoided putting any of what were called leading questions to him. The evidence wes as follows:—

"Have you been employed for a considerable time under the Colonial Land and Emigration Commissioners, to superintend the emigration from this country?—I have. Have the proceedings of the New Zealand Company, in regard to their conduct of emigration, been submitted to you as the authority at the Colonial Land and Emigration Commission?—I received instructions from the Colonial Land and Emigration Commissioners to superintend the acts of the New Zealand Company. How long have you done that?—To the best of my recollection I should say it was three years ago. Will you state your opinion to the Committee, as to the manner in which the Company, during that time, had provided for the safety, health, and comfort of the labouring emigrants?—I cannot speak too highly of the mode in which the ships have been fitted, and I have been perfectly satisfied with the provisions supplied to them, and with their conduct and arrangements in every respect; I do not think that it could be surpassed in any way. Has the diet, which has been furnished to them, the medical attendance, and the general arrangements, been such as to give you entire satisfaction?—Yes; and I have been happy to express myself so. Have the Company at all times listened to any suggestion of yours, and shown an anxiety to provide for the comfort of the emigrants?—I have great pleasure in stating that on all occasions they have attended to every suggestion I have offered; and I have been very happy to co-operate with them in the way I have done."

That was the evidence of a gentleman of the highest character, and of the most straightforward and conscientious principles. As to the other charge of the hon. and gallant Officer, he would only meet it with a general assertion. The hon. and gallant Member had stated, that those who first went over were exposed to insult and annoyances from the natives, without any provision having been made for their protection and welfare. He could state, that having some most respectable friends of the very highest character among the early settlers, he was anxious to learn all the particulars of their situation in the Colony, and he had received letters from some of the ladies of the family, written about twelve months after their arrival at Wellington, describing in the most glowing terms the country which they had selected to be their future home; praising strongly the excellence of the climate and soil; and, above all, stating that they lived on terms of the strictest harmony with the natives, who were in the habit of visiting them in their houses, which were always open for their reception. That state of things continued until Captain Hobson's arrival in the Colony. He trusted the Resolutions of that House in Committee would assist in restoring the Colony again to the same position, and that the emigrants would be enabled once again to live as brothers of the same family with the native inhabitants. That desirable result could only be effected by entirely repudiating the principles on which the Colony had been latterly governed; but he trusted it was not too late, even now, to correct the evil which had been done. He had again to apologize to the House for trespassing on its attention so much longer than he had intended. He would implore the House and the Government to take a fair and statesmanlike view of the question, and

to consider that the interests of 10,000 or 12,000 of their countrymen now in the Colony, were involved in the decision to which they would come. They should not, as he feared had been already done, rely too much on accounts given by any one party, but investigate the matter fairly, by hearing the statements of both sides. He might refer, as an instance of the manner in which the Colonial Office had been influenced, to the letter which had been sent from that Department to Dr. Evans. That gentleman had brought over a Memorial from the colonists, stating their wrongs, and the effect which the proclamation of the Governor on the subject of the price of land, called the "Penny-an-acre Proclamation," would have on them as well as on the natives. Some time after presenting the Memorial, he applied at the Colonial Office for information as to the course about being taken for affording redress; and the answer which he received from Lord Stanley was, that he had determined to appoint a new Governor, to whom he would give instructions as to the course which should be taken. Was that, he would ask, a conciliatory or satisfactory answer to return to those who had embarked their fortunes in the Colony? Would it be too much to expect that some information might be given them on a subject which so vitally concerned their interests? In conclusion, he would implore the Government and the Home Secretary to receive the statement of parties who were able to afford information on both sides of the question; and thus, if possible, to endeavour to arrive at the truth, instead of placing implicit confidence in the allegations of one side alone, as he feared, from the course taken by the hon. Gentleman the Under Secretary for the Colonies, on the preceding evening, they had been heretofore in the habit of doing. With these remarks, he would leave the question in the hands of the House, hoping that they would come to such a decision as would best conduce to the interests of the Colony of New Zealand.

Mr. *Barkly;* Sir, I am anxious to explain to the House the reasons which will compel me, however reluctantly, to support the Motion of the hon. Member for Liskeard, for going into Committee to consider the state of New Zealand. I was in hopes that I should have been spared the necessity of troubling the House on this occasion, by some avowal on the part of the Government of their future intentions with regard to this important Colony, or, at any rate, by the proposal of some counter-resolutions, in substitution for those to be submitted by the hon. Member; but the direct negative with which the Motion has been met, coupled with the speech delivered last night by the Under Secretary for the Colonies, appears to me to be tantamount not only to a refusal of all inquiry, but to a declaration on the part of the Colonial Office, that they have been right *ab initio* in their proceedings with regard to New Zealand, and that there shall be no change whatever in their future policy towards it. I, for one, cannot subscribe to this doctrine of official infallibility; I believe in my conscience that whatever faults the Company may have committed in the outset, were mainly attributable to the conduct of the Colonial Department, and that the authorities appointed by the Crown have since been guilty of far greater; and so believing, I cannot aid in stifling all inquiry. Before I go further I may as well state to the House that I have no connexion whatever with New Zealand, and that I do not possess the least interest in the Company by which the colonization of that country was undertaken. My sole motive in wading through the voluminous correspondence and details which have been laid upon the Table of this House, has been from the conviction of the importance of colonies and colonization to a country situated like Great Britain. I am aware, Sir, that it is the fashion with a certain party in this House, not only to undervalue the importance of our Colonial possessions, but to represent them as a source of expense and a burden to this country. It might be proved without much difficulty that this doctrine is based on erroneous assumptions; but I must at present content myself with declaring my deliberate opinion, that in every case where a voluntarily established Colony has become burdensome to the mother country, it has been from actual misgovernment on the part of that mother country, exhibited either in ignorant intermeddling with its social condition, or in impolitic restrictions upon its trade. I am not one of those who consider that there is any necessary connexion between the Colonial and the Protective systems of trade; on the contrary, I believe that but for the misgovern-

ment to which I have averted, the Colonies of Great Britain would have been ready to pass to a system of absolute free trade, quite as rapidly as the mother country herself. I have dwelt thus much upon the Colonial question generally, because it is on general grounds that I would chiefly justify my vote to-night, and because I attribute most of the errors and evils which have arisen in the case of New Zealand to this disposition to undervalue our Colonial possessions; and to appreciate, therefore, too lightly, if not totally to disparage, the advantages of that systematic colonization which it was the main object of the New Zealand Company to carry out, under the auspices of the Crown. Sir, I would have it distinctly understood, that in any comments I may feel it my duty to offer to the House, upon the result of the experiment just made, I undertake to pronounce no definitive judgment upon the details of the controversy, which has, unhappily, been carried on between the Company and the Colonial Office; still less is it my intention to make anything like a personal attack upon that Department of the Government as at present constituted. On the contrary, having had more opportunities than most Members of this House of becoming acquainted with its routine, I feel bound to acknowledge the uniform urbanity and unremitting attention to business displayed by the noble Lord who presides over the Colonial Office, and by my hon. Friend the Member for Southampton, by whom it is represented in this House. Sir, if any panegyric of mine could avail that hon. Member in the slightest degree, I should feel bound to expatiate upon his ability in devising the details of any arrangement which may be decided upon in that Office, and his untiring energy in carrying them into effect. But whilst I thus admit the present Colonial Administration to be more efficient than most of its predecessors, as a mere executive department of Government, I am not precluded from declaring it to be as totally destitute as any of those predecessors of a comprehensive system of Colonial policy. For, Sir, I hardly like to be so uncharitable as to describe as a system that course of policy, which a dispassionate consideration of the conduct of that Office for years past would, nevertheless, fully justify me in imputing to it—a system based entirely on the state of parties in this House, now yielding to the fears and prejudices of the agricultural interest, now swayed by the pressure of the free traders, now attempting to carry out the views of what is vulgarly termed the saint party, now deigning to listen to the remonstrances of those interested in the Colonies;—one year encouraging the importation of corn and flour from Canada, another rigidly upholding the restrictions which affect the admission of those articles from Australia and other British Colonies. Sir, there are, moreover, peculiar reasons why this House—the grand inquest of the nation—should not be disregardful of the voice of complaint from any of the Colonies, when it does make its way to their ears. Though subject to your legislation, and entrusted to the charge of a Minister who practically holds office at your pleasure, the Colonies send no Representatives to this assembly; if, therefore, this House neglect to listen to their grievances, they have, contrary to the spirit of the British Constitution, no remedy whatever against irresponsible, and frequently therefore despotic authority, especially where, as in the case of New Zealand, they are governed directly by the Crown, without the intervention of any Representative Assembly. It cannot, Sir, be fairly argued, that because it so happens that several of the Directors of the New Zealand Company chance to be Members of this House, that this Colony forms an exception to the general rule of Colonial non-representation. This would be to repeat one of the most fatal errors which has pervaded the whole controversy—that of confounding the Colonists with the Company. I, for one, should never have thought of troubling myself to defend the interests of any Company, particularly of one so well able to take its own part, as the correspondence and the speech of the hon. Member for Liskeard, and that delivered just now by the hon. Member for Cockermouth proves them to be. It certainly strikes me that as there can be no pleasure in making unnecessary complaints, there must be some peculiar hardship under which that Company labours, in respect to the award of lands agreed to be made it by the Government. I wish them, of course, to obtain justice from the Government or from the nation; but if they have made an unlucky pecuniary speculation—if they over-estimated the value or accessibility of their lands—if it can even be fairly proved that they took

conveyances from parties not competent to give them — however patriotic their motives for originating the undertaking, however disinterested their subsequent conduct—they must be content to abide the failure of their adventure, like any other trading association. Sir, it is in the name and for the sake of the thousands of our fellow countrymen who have settled in New Zealand, on the faith of its being made, in deed as in name, a dependency of the British Crown, that I presume to-night to call upon the House to discard all considerations of party, and to judge the New Zealand question solely on its own merits. I should regret very much to see this considered a Government question on this side of the House; I should regret it not for my own sake so much as that it might give room to say of those who supported the Motion of the hon. Member for Liskeard, that they manifested, by so doing, a want of confidence in the Government. I confess I do not view it in this light, even as regards the noble Lord the Secretary for the Colonies, far less as regards the Government generally. I conceive it to be possible to differ in opinion on any particular point from an individual, without being open to an accusation of want of confidence either in his honour, his integrity, or even his judgment as regards all other questions. If I stood alone in my opinion on this side of the House or in the country, I might feel bound to wave that opinion for the good of my party; but when I find myself, as I verily believe on the present occasion, supported by the almost unanimous concurrence of men of all political parties, and engaged in all branches of commerce in the city of London, of which the petition presented to this House a short time back by its senior Member, affords but a faint idea; I cannot conscientiously consent to sacrifice my convictions on a point of so much importance to the safety and well-being of so many thousands of my fellow creatures. I cannot give a vote which would commit me to an approval of the principles regarding the treatment of the natives, and the land claims attempted to be laid down before the Select Committee appointed last Session by this House to investigate the subject, by the hon. Under Secretary for the Colonies (Mr. G. W. Hope), and the hon. Member for Clithero, (Mr. Cardwell), and by that Committee, appointed indifferently from both sides of the House, very properly, as I think, rejected. Sir, I do not in the least question the fact that serious obstacles opposed themselves from the very first to the colonization of New Zealand. Difficulties must always be experienced in the foundation of settlements in remote and uncultivated regions, especially where there exists an aboriginal population in a state approaching to barbarism. These difficulties constitute, after all, the glory and utility of the enterprise. Neither, Sir, do I wish to deny that every allowance should be made for the difficulties with which the present Colonial Secretary had to contend on coming into office, on account especially of the doubtful construction of the Treaty of Waitangi. What I complain of is this — that these difficulties, instead of having been gradually obviated from the hour at which it was determined, right or wrong, for better or for worse, to declare New Zealand a British Colony, have been, on the contrary, so aggravated, that no news is now too horrible to be expected on the arrival of every vessel from that quarter: and that, instead of announcing a change in your measures, an alteration of the policy which, if it has not produced, has certainly not prevented, this state of things, you are merely going to make a change in your Governor. Now, Sir, I certainly am not going to advocate the cause of Captain Fitzroy; I believe nothing can be more inexplicably imprudent than most of his official acts; but I must say that I think the emergencies which called forth those acts on his part might have been easily foreseen, and ought to have been provided for by distinct instructions from home. Sir, I have no disposition to exaggerate the condition of the Colony. The hon. Member for Southampton seemed to think it had been exaggerated; I fear exaggeration is well nigh impossible. I would refer that hon. Gentleman to Governor Fitzroy's latest despatches, written before the renewal of outrages by the natives was known to him; I would refer him to the letter of Mr. Commissioner Spain, describing, on what he declares the best authority, the effect of your ill-timed clemency, after the massacre of Wairau, upon the minds of the natives; and I would ask, under what circumstances will Captain Grey assume his functions? Will he not find an exhausted treasury, bolstered up by inconvertible paper—all the machinery for col-

lecting revenue on equitable principles abolished—no militia organized, and yet a war of races on the eve of breaking out between the European settlers, alarmed at outrages committed with impunity, and exasperated probably by murders yet unpunished — and the native population, taught to despise your apparent pusillanimity, and excited by the belief instilled into them that they have been defrauded of the price of those lands which, but for European skill and capital, would have been valueless? Shall it be said, under these circumstances, that this House is to be satisfied with learning that the new Governor is to be left, like his predecessor unfettered by instructions? — that this House is not to inquire how the finances of the Colony are to be restored, or whether the penny-an-acre regulations of Captain Fitzroy, which strike at the root of all systematic colonization, are to be continued?—that it is, in short, to know what the future policy of the British Government is to be in New Zealand? Sir, I feel I am approaching the most difficult part of the subject, in discussing what the nature of that policy ought to be. The hon. Member for Liskeard is about to ask the House, if they go into Committee, to adopt as the standard of that policy (with a single exception) the Resolutions appended to their Report by the Select Committee of last Session. I quite comprehend the reasons of the hon. Member for taking such a course; but I should have myself liked something more practical, something more suited to the present emergency. Some of the Resolutions of that Select Committee, as the hon. Member himself admitted, are hardly applicable to the present state of things—others refer to matters which I think would now be better buried in oblivion; and with regard to some, especially the 5th, I think there is great force in the objection made last night by the Under Secretary of State, that taken separately from the Report by which the Committee accompanied them, they have a wider scope and a more active signification than was intended. I must confess, therefore, I should have preferred finding in the Resolutions to be submitted in Committee the germ of some such arrangement as that recently submitted by the New Zealand Company, which, to whatever objections it may be liable, was, I think there can be no doubt, proposed with a view of conciliating all parties concerned, and of disregarding the past for the purpose of providing for the future. Still, on the whole, I see no other course open to me than to give my vote with the hon. Member for Liskeard, provided no more suitable Resolutions are proposed in Committee, or no avowal of a policy such as I could approve is made on behalf of Her Majesty's Government before the conclusion of the debate. I will take the liberty of briefly sketching what I conceive that policy ought to be. I suppose no one in this House will be so bold as to counsel the abandonment of the undertaking! If any Member doubts the value of the Colony, let me refer him to the despatches of Captain Fitzroy last laid on our Table, and let me ask him if it is to be imagined that such a Colony to which so many of our countrymen have emigrated, is to be abandoned because difficulties have arisen with regard to it. If any one either in or out of the House still entertain any doubt on the subject, let me remind him in the words of one whose opinions will ever stand as axioms with all reflecting men—I mean Lord Bacon—

> "That it is the sinfullest thing in the world to forsake or destitute a plantation once in forwardness; for besides the dishonour, it is the guiltiness of blood of many commiserable persons."

You cannot, you dare not recede! The only question that remains is, therefore, what is to be done? It appears to me that there are four classes connected with New Zealand, whose interests are to be as far as compatible reconciled—whose prejudices are to be, if possible, conciliated: the European settlers, the natives, the missionaries, and the Company. I will take the settlers first, at the risk of exciting the indignation of the hon. and gallant Member for Westminster—for I am not one of those philanthropists—

> "whose boundless minds
> Glow with the common love of all mankind"

to such a degree as to prefer the tatooed Maori to my own countrymen. To the settlers—I would say—give a speedy, cheap, and secure title to their lands, without any of those delays and formalities which have hitherto disgusted them; let them also have something more resembling an Englishman's ideas of representative institutions than the council of land jobbers which has hitherto served but to register the Governor's arbitrary decrees. I am

glad to hear that even at the eleventh hour you are about to provide a sufficient force to protect the settlers; but I would still counsel you to allow them to organize themselves together with the friendly natives into a militia. Next, with regard to the natives; deal with them firmly, yet kindly and considerately, as with children who have been spoilt by your injudicious though well-meant indulgence. Maintain the honour of this country as pledged, right or wrong, to them in the Treaty of Waitangi; but do not carry further than existing engagements compel you to do, a construction of that Treaty as to wild lands, adverse to the rights of the Crown, and detrimental to the real interest of the natives. Do not attempt, at any rate, to extend the operation of that Treaty to the Middle and Southern islands, where it is on all hands admitted it could have had originally no force. Now, Sir, as to the missionaries! I am one of those who believe to the fullest extent that the glory of God in the conversion of the Heathen ought to be one of the main objects in colonization; but some experience of the nature of missionary operations in our Colonies leads me to conclude that Episcopal superintendence is never so necessary as when savages in distant lands have been subjected to the influence of imperfectly educated men, like most of these missionaries; and that where such superintendence does not exist, too much dependence is not to be placed on the disinterestedness or enlightenment of that influence. I would say, therefore, Sir, give the missionaries in New Zealand the honour due to them as ministers of the gospel, and pioneers of civilization in the wilderness, but at the same time repress their love of interfering with secular affairs, and check, as far as in you lies, that disposition to worldly aggrandizement which is so painfully evidenced in the return of the grants of land made to them. Finally, with respect to the Company; either make up your mind at once to buy out their interest on liberal terms, giving them due security for the welfare of those who hold land under them; or, as I think would be far preferable, banish from henceforth all distrust of their motives, increase their powers, and make them your instrument in advancing New Zealand towards that height and importance among the civilized nations of the earth, which I believe her, under God's Providence, to be destined to enjoy during future ages, when perhaps the history, the institutions, and the language of this now mighty Empire of Great Britain may be indebted for preservation to the gratitude and the veneration of her descendants, planted by their efforts in what now strikes some of us as a few unimportant isles at our antipodes. Sir, before I sit down, let me thank the House for the indulgence with which has listened to me—an indulgence which, I think I may safely promise it, shall not be abused. There are few subjects on which I should have deemed it expedient so long to trespass on their time, but I certainly felt reluctant to vote against a Government of whose foreign and domestic policy I almost invariably approve, without offering an explanation of the motives which weighed with me in so doing.

Mr. *G. W. Hope*, in explanation said, the hon. Member for Leominster could not have heard accurately what he (Mr. Hope) had said as to the instructions given to Captain Grey. Considering the distance of the scene of operations, and the time that must necessarily elapse before he could arrive on the spot, the Government had not given him express instructions, but had intimated to him its decided opinion on the different subjects that would be brought under his attention. He (Mr. Hope) had stated, with respect to Captain Fitzroy, that the disapproval by the Government of his financial measures was one of the causes of his recall; that Lord Stanley also disapproved of his late proceedings with respect to the lands, as inconsistent with the instructions given him; that another cause of his recall was his conduct with regard to the Militia Bill, and his not having shown sufficient firmness in his proceedings with the natives. He had stated these to be the views of the Government; and he had stated that Captain Grey would not go out bound by any express orders to reimpose the customs duties abolished by Captain Fitzroy; that he was not bound by express instructions on other subjects, but that he had the directions of the Government to do what he considered advisable. He thought he had made this clear to the House, as the only course that should be adopted.

Sir *R. Inglis* said, that although he was not one of those who were entitled to compliment a new Member, yet he could not, in justice even to himself, rise to follow the

hon. Member for Leominster without congratulating not him only, but the House, on the accession which it had received in the talent displayed in the speech of the hon. Member. It was marked by good feeling and eloquence which justified him in thus referring to it. He could not, however, concur with the hon. Member's conclusions, although he admired the manner in which he arrived at them; on the contrary, it would be his duty, in the course of the observations which he should have to make, to state how much he differed from him, from the hon. and learned Member for Cockermouth, and still more from his hon. and learned Friend (Mr. C. Buller) to whose speech he had listened with profound attention yesterday evening. The fundamental error in the speech of his hon. and learned Friend, that upon which the fallacy of his conclusions mainly depended, was the assumption that in dealing with the New Zealanders, we were dealing with a people with whom it was not fitting that the people of England should place themselves in the condition or position of equality. The hon. and learned Member had almost exhausted the vocabulary of the language in describing them as savages, as cannibals; exhibiting, according to him, "almost the only well-authenticated instance of cannibalism now existing," and being, generally, in such a degraded state of ignorance and barbarity as to be utterly incapable of appreciating the value of property, and therefore incapable of making any kind of bargain, and with whom—though the inference was not very clear—an agreement, instead of being respected and observed, might be treated with indifference and contempt. If he admitted the first proposition of the hon. and learned Member, that the New Zealanders were so ignorant of the rights connected with the land as to be incapable of maintaining a legal possession, he might then perhaps agree with him that the Treaty of Waitangi was a solemn farce, and say, with the hon. and learned Member, "Away with all this foolery!" But he believed the people of New Zealand did possess a knowledge of the nature of property, which entitled them to exercise a dominion over it; and, above all, England having recognised their right to the possession of property, and their power to deal with it, he was not prepared to come to the conclusion to which the hon. and learned Member seemed to wish to lead the House, namely, that every acre into which the natives had not actually carried the spade and plough, and subjected to their immediate use, was as much the property of the New Zealand Company, or any first comer, as if it were a country purely and absolutely uninhabited.. He (Sir R. Inglis) contended that, having, whether right or wrong, recognised the independence of the Government of New Zealand, the fact of the more or less of power possessed by it did not affect the question. After that recognition of the country as an independent State, they had no more right to found Colonies there than on any part of the Continent of Europe which might not for the moment have a sufficient number of inhabitants. Several years ago, when the question was first brought forward, in 1838, he was one of those who contended that you had no more right to profess to colonize New Zealand, than you had to profess to colonize the kingdom of France—an illustration which he made in good faith, indeed, but without any anticipation that any one would seriously take the illustration and adopt it as his own, as his hon. and learned Friend had done last night. The hon. Member had contended that if, by any visitation of Providence, the southern provinces of France were suddenly to be deprived of their inhabitants, the whole of that country would be as open to him and the New Zealand Company as to any other portion of the human race. To do him justice, the hon. Member did not attempt to defend the position by any argument. He threw down his assertion as a bold proposition, and left it where he laid it; for he must have well known, that the Law of Nations did not recognise the right of the individual of one country to occupy any portion, however small or distant, of the possession of another country, without direct communication with its Government. If you wished to carry out emigrants to any country, you must refer to the power which you had previously recognised as the supreme controlling power, without whose consent you could not even land there. He admitted that the first discovery had, according to the international law of Europe, a right of pre-occupancy against all other nations; but never had it been contended that the first discovery not only gave the right of dominion, but the right of property, as against the inhabitants of the soil. Captain Cook's raising a flagstaff, and burying a bottle of coins, would give his country a right as against any other nation capable of conveying its

subjects to New Zealand; but as against the native inhabitants he gained no claim of property whatever. The utmost right any jurist would allow to Captain Cook, would be that, as against France or Holland, the planting of the flag had insured the right of pre-occupancy to England. How different was this from the doctrine which the hon. and learned Member had laid down at so much length last night! He said that the New Zealanders had no idea of the right of property; and yet, rather inconsistently, he proceeded to detail the system of the New Zealand Company as to purchases from those who had no property in the sense in which we considered property. He apprehended that this cut two ways. If, in respect to all the property of which the New Zealanders had not denuded themselves, it was convenient to declare that they possessed no knowledge of property, it must equally be true in respect of the property of which the New Zealand Company had become possessed by compact with those who, knowing nothing of what they were giving, had, from that very ignorance, as it is now alleged, no right to give it. It appeared that the Company, for the sum of 7,000*l.*—he begged pardon, he would give them the benefit of every fraction—for the sum of 7,388*l.* 7*s.* 7*d.*, including presents to natives and incidental expenses, had bought an extent of land, which was measured by degrees of latitude and longitude, amounting to 15,000,000 of acres. To make a complaint against the Government for not giving them sufficient encouragement was hardly fair, when from persons so ignorant they had obtained so large an extent of property for so small a sum. It appeared, too, that the land which they had thus purchased for 7,388*l.* 7*s.* 7*d.*, they had sold for 128,136*l.* These were the protectors of the natives of New Zealand! These were the men who complained of the missionaries on the one hand, for instigating the natives against them, and of Captain Fitzroy on the other, for taking the part of the natives. They would say, however, that it was their own blessed arrival which had raised the value of land; that although it was only worth 7,000*l.* when they came there, yet as they could bring their 10,000 Englishmen, they were fairly entitled to ask an increased price. Then they said, that they had carefully provided for the interests of the natives, by securing portions of the land so raised in value for their use. How far the system of native reserves had been carried into effect elsewhere, he was not prepared to state; but he had that knowledge which entitled him to ask whether, in Wellington at least, the system had been carried to the extent which his hon. and learned Friend would have desired the House to believe? He agreed with the hon. and learned Member for Cockermouth (Mr. Aglionby), that this House was not the tribunal before which the claims of a surveyor of the Company as against that Company, ought to be brought; but, believing this, he was therefore proportionably surprised, when the hon. and learned Member himself proceeded to make a long statement against those claims, naming the gentleman to whom he referred. Into that subject he would not follow him, except to say that the case, so far as he knew it, was a hard one. With respect to the allegations made against the missionaries, he was willing that they should be made in that assembly, because he believed that they might be met as easily as they could be made. It had been stated by the hon. Member who last spoke, that these missionaries had endeavoured to discharge the highest duty of a civilized man to a barbarous nation, that of promoting the glory of God by their conversion—a truth which appeared, by the cheers, to be recognised by the great body of that House. He would ask any one to compare the condition of New Zealand in 1814, with what it was at the present time; and he would ask them to what, under God, was that difference to be attributed but to the missionaries? In 1814, such was the dread of the shores of New Zealand, that it was with difficulty a ship could be chartered at Sydney to proceed there; and such was the character of its inhabitants, that a man could not land, or at least could not walk, alone there without danger to his life. Now, however, through the labours of the missionaries, the state of things was so altered, that the present Bishop of New Zealand, who was not unworthy to be called a successor of the Apostles, had walked 300 miles in visiting his diocese, in places where he could obtain no conveyance whatever, and yet had been everywhere received in a manner that would have done honour to the most civilized country. Moreover, of this nation of savages and cannibals, as the hon. Member for Liskeard had described them, 33,000, or one-third of the population, were, according to returns which had been fur-

nished to him (Sir R. Inglis), Christians in general profession, 14,000 attended schools, and not less than 2,200 were communicants with the Church of England. But it had been said, the Church missionaries took the lead in speculative purchases of land; and they had been further described as false friends, and their conduct contrasted with the Roman Catholic and Wesleyan missionaries. As to the former, their residence in the islands was comparatively recent; and, it must always be recollected, that after no length of time could they have to provide for families. But with respect to the Wesleyan missionaries, there was this great distinction, that, according to the regulations of their Society, they were removable from station to station; whereas the Church missionaries, when they went to New Zealand, generally went to pass their lives on the island. Moreover, a provision for their wives and children became important, when it was considered that, as agents for a voluntary society, those only were paid who actually did the work of the mission. It was true, a small sum was allowed them for the education of their children; but this was not enough; and in order to make it enough, they were allowed to invest a certain portion of their salaries in land purchases. They had heard a great clamour at the extent to which the missionaries were said to have availed themselves of this permission, and it was said they had possessed themselves of more than 196,000 acres. If, however, they deducted the lands claimed by Mr. Fairburn—who, by the by, was never, as he (Sir R. Inglis) believed, one of the body of missionaries, and whose connexion with the Church Missionary Society had for some years ceased—and also the lands claimed by the Rev. Mr. Taylor, he believed it would be found that the proportion possessed by the missionaries was less by one-half than that which the Government allowed to those who occupied corresponding stations in New South Wales. It should also be remembered, that a great portion of the land claimed by Mr. Taylor had been described as covered with moving sand hills; it was at the North Cape of the island. It might be added, in reference to the large area claimed by others also, that New Zealand appears to contain a smaller proportion of cultivable land than any other known island; one authority stating it at 20 per cent., another at 10 per cent., while another, a medical man, who travelled 300 miles in search of a settlement for himself, stated that the proportion was not more than 5 per cent. He thought that he had now met the charge against the missionaries, so far as it was founded on the apparent value of the lands which they had claimed. He maintained, therefore, that the missionaries were entitled to favourable acceptance—first, from the motives which induced them to go to New Zealand; next, for the manner in which, during their residence, they had endeavoured to raise the native character; and next, because, as he had shown, no charge could be proved against them, with respect to these purchases, of any irregularity. Indeed, Mr. Fairburn, one of the parties who had been specifically alluded to, professed his readiness to transfer it to those for whose benefit alone he declared that he had made the purchase; and actually did transfer, long before this question was raised by the New Zealand Company, one-third of his purchase to the aborigines, and another third to the Church Missionary Society, for the benefit of the mission. As to the case of Mr. Kendall, who was said to have purchased forty square miles of land for forty axes, for the Baron Thierry, all he could say was that the Baron had made no claim whatever to the land; and with respect to the appointment of Mr. George Clark, he was prepared to maintain that, in making that appointment, no preferable person had been passed over. His chief fault appeared to be that he was a young man. It was also said that he was not competent to his duty, because he was not acquainted with the native languages. If Mr. Clark misinterpreted one word, that was a very common case with even the sworn translators at home; and unless it was charged against him that he had wilfully misrepresented, the charge was scarcely worth refuting. The New Zealand Company were well represented in that House, but the natives were not. Therefore, he urged the House comparatively to disregard the claims of the Company as represented by those Directors who were Members of that House, and rather to consider the interests of the natives, when assailed by large and wealthy bodies of white men—that they should rather remember the higher duty imposed on them of taking charge of the interests of those who were otherwise undefended. He would not enter into the intentions of the New Zealand Company; but he held that their first announcement was very different

from the description given of them by the hon. Member for Pontefract last evening, when he said that in their enterprise was revived the old spirit of English colonization —such was not the fact. In his (Sir R. Inglis's) opinion they were a purely commercial Company; and if they had secured 5 per cent. for their money on an average during the last five years, though they might claim credit for sagacity, he could not see that the enterprise was chivalrous or philanthropic. He was willing to admit that there could not be found in this country a commercial body, consisting of twenty-four gentlemen, who possessed names of higher character or more entitled to respect. He admitted also that they were not jobbers in the market—that they were not gambling, jobbing speculators; and that they themselves believed that the Company which they had formed was one likely to realise a fair and honourable profit to themselves, while at the same time it secured great advantages to their fellow subjects. This admission he was quite ready to make. He thought it was only consistent with truth and fairness. With regard to the question of re-opening the inquiry, he believed the House was already in a position to arrive at a satisfactory conclusion without the appointment of another Committee, and the addition of an enormous blue book to the unreadable volume presented last Session. For one moment, he would revert to the subject to which, at the beginning, he had called the attention of the House. It was altogether a mistaken notion to suppose that the lands of New Zealand were unclaimed as well as unoccupied by the natives; that they had no idea as to the value of that description of property, or that they did not regard it as property. As an illustration of the contrary, he might state that a native, going through the country with a settler, who had related the fact to him (Sir R. Inglis), pointed out to his own son, one of the party, different tracts of land, and mountains; observing, "This belonged to your mother's people"—"that to my father's"—"this was your ancestors' long ago"—exactly in the spirit in which the forfeited estates of his family were pointed out, in Ireland, to young Phelan, as told by Bishop Jebb. So little was it correct to say, that the people of New Zealand had no knowledge of any property in land, except the very soil which they cultivate. The hon. Baronet concluded by expressing his opinion that the speech of his hon. Friend the Under Secretary of State for the Colonies last night—a speech which had left no point untouched—had not been answered either by the hon. Member for Cockermouth or the hon. Member for Leominster; and he felt called upon to oppose the Resolutions under consideration.

Mr. *Hawes* quite agreed in one observation made by the hon. Baronet the Member for the University of Oxford, that the tactics of the hon. Member for Westminster were above all praise, if it were his intention to divert the attention of the House from the real object and purpose of the Motion before them, and to draw them into a discussion upon the affairs of the New Zealand Company, and the conduct of that Company towards the missionaries. But such tactics would fail. The real object of the discussion was one of far higher importance, and a far different purpose was entertained by those who introduced it. The object was to bring before the House the conduct of a great public department of the Colonial Office in the government of the Colony of New Zealand —to protect the interest of the settlers in that Colony — to develop the great national interests also which were at stake, and perilled by the policy of that department. It was not often that Colonial questions came under the consideration of the House, and when they did, they were too frequently discussed under the influence of party considerations, and sometimes for party purposes. But this debate—the whole course of it proved it—was not tainted and weakened by any such influence. The question raised by the hon. Member for Liskeard was not alone the conduct of the Government, but the principles of Colonial policy involved in that conduct. The House was called upon, and he rejoiced at the circumstance, to review the broad principles of our Colonial policy—to show, it might be, the narrow and mischievous action of the Colonial Office; but still, to keep the higher considerations in view, how was a great and most important Colony to be governed in future. The discussion had been conducted without party spirit, and would, he felt sure, be conducted without party spirit; for the interests of this country in New Zealand were so dear, and of so national a character, that their advocates could rely upon them alone to sustain them in debate, and throughout the country. For a long time he had taken a deep interest in the affairs of the Colony—not a pecuniary

or personal interest, but one entirely of a public nature. He had joined with several gentlemen when first it was proposed to colonize these islands, in order to promote the enterprise and recommend it to public favour. He had sat on more than one Committee upon the affairs of New Zealand; and he now felt that he might fairly lay claim to an impartial consideration of the question before the House, inasmuch as he had, at the time to which he referred, differed as much from the political friends he was associated with, as he now did with Her Majesty's Ministers in the government of New Zealand. He did not agree with the policy they had adopted; and he now differed, but still more widely, from the policy of the Government. Before he went into the question itself, he desired to advert to one or two points raised in the speech of the hon. Baronet the Member for the University of Oxford. He complained of its unfairness—not intentional unfairness—but, nevertheless, he did complain of that speech as being calculated to convey a most erroneous impression and create a most unfounded prejudice against the conduct of the Company. The hon. Baronet had referred to the account of the Receipts and Expenditure of the Company published in the Eighteenth Report. He there found, it appears, in page 30, that for the purchase of land, a sum of 7,000*l.* was paid, and he contrasted this with the amount charged in the same account for the sale of land at Wellington, and received in England, or 128,000*l.* Hence, the hon. Baronet inferred, if any inference was to be drawn from this statement, only that the Company had gained 121,000*l.* by this transaction, and of course at the expense of the natives. Now, the hon. Baronet had the account in his hand. He selected these two items from a mass of others, which he omitted to notice, and which, if he had noticed, would have altogether negatived the inference implied in his statement. True it was that 7,000*l.* was laid out in the purchase of land; and equally true that 128,000*l.* had been received for land, and in England. But the New Zealand Company never considered the 7,000*l.* in the light of a price, or an equivalent for land. Land was of no value there. Before land became of value it required the outlay of vast capital; and the only account quoted contained the nature of the amount of that outlay. Consider a few of the items given in the account:—

Surveys	£29,000
Public Works	7,000
Land presented to the Church, and subscriptions to ditto ..	4,000

These and many others to a large amount were to be found in the account; and yet all those were suppressed, which in candour the hon. Baronet ought to have noticed when he began to examine the account. He was justified in saying, that the statement of the hon. Baronet was not a fair statement, and that it was calculated to convey a most erroneous view of the conduct of the Company. The outlay upon land, to give it a European value in a European market, was a very different thing from the mere purchase of a barren right from the natives. The account quoted, if examined, would indeed bear the most honourable testimony to the spirit, enterprise, and great public utility of this Company. The mere sum paid for land had really little to do with the question. Again, the hon. Baronet had most erroneously stated one portion of the argument of the hon. Member for Liskeard. He said, that he had spoken of the rights of the New Zealand Company as if no other rights existed—as if they absorbed in his view all other rights. He hoped the hon. Baronet would permit him to remark that the well-understood rights, as claimed for, and as claimed alone by the New Zealand Company, involved the rights of the natives, even the rights of the missionaries, and of the country at large. They claimed nothing to which they were not fairly entitled—and which, if conceded, would lead to good government—to just treatment of the natives — to economical management of the Colony — to better English and Colonial enterprise and prosperity. The New Zealand Company was a powerful instrument of good Colonial government in the hands of a wise Government at home; its rights were identical with those of every class in the Colony. He came now to the really important question before them. He thought, in this debate, all minor details should be avoided, because they tended to divert attention from the great interests at stake. The Colonial Office had made a great Colonial blunder. He imputed no improper motives to any one in that department; but the miserable and narrow policy that had been pursued had led to that state of affairs which the Papers before the House disclosed. A great and serious error had been committed, and it called for and de-

served the anxious attention of the House. To the Report of the Committee of last year, he still in the main subscribed. It was framed in the then existing state of the knowledge of the Committee. The Resolutions might now require some modification; and the hon. Member for Liskeard fully admitted this. But in the general principles and policy adopted in that Report he fully concurred. True it was, that subsequently the circumstances of the Colony had much and sadly altered. They had become more complicated by the conduct of the late Governor; and distress, suffering, and danger had extended and increased. In such a state of things, he had anticipated a very different speech from the Under Secretary of State for the Colonies. He had expected a very different line of argument. He had thought that great evils being visible to every one, great confusion, great danger, great anxiety, both in the Colony and at home, that he would frankly have pointed to the source of these evils which now afflicted and threatened to ruin the Colony; and that he would have addressed himself to the causes creating them, and told the House the remedy he intended to apply. But, on the contrary, his whole mind seemed absorbed in his defence of the Colonial Office. To show its wisdom, to maintain its consistency, to found its policy upon that of his predecessors, was the staple of his speech. He could not deny the distress prevailing; he disclosed no remedy; in fact, he left the case as it stood before. One argument, indeed, of the hon. Member for Liskeard he entirely misunderstood. He thought it necessary to defend the natives of New Zealand against the supposed injustice done them by his hon. Friend. He complained that they had been described as a degraded race, and proceeded to show that they had a great capacity for civilization; that many had become traders, shipowners, and had even entered into some professions. But the argument of his hon. Friend was exactly the reverse of what the hon. Gentleman had imagined it to be. All that his hon. Friend had said was, that they were not that haughty warlike and unsocial race which had been found in North America, but that they could be conciliated and incorporated with civilized races, and that hence the policy of the Government which had led to their alienation from us was most indefensible. The only defence of the natives by the hon. Gentleman was a condemnation of the policy of his office. Why had the natives, who once were friendly, and in friendly co-operation with our settlers, become suddenly our enemies? Why had all the good qualities and capabilities of these savages been wasted; been turned to evil instead of good? Because the course pursued by the Colonial Office was one of vacillation and weakness, which had endangered, if not ruined, all interests. The hon. Gentleman had admitted the capacity of the natives for civilization, and it was well known that they had lived in friendly feelings with the settlers, and regarded them as even their protectors. Then their alienation now ought to occasion deep regret—a regret which was increased when they reflected on the friendly feeling with which they formerly regarded Europeans. But a short time back the Colony was thriving, its affairs improving, its trade increasing. At present, according to the last despatches of Captain Fitzroy, the picture was fearfully reversed. In his despatch of October, 1844, the state of the island presented a striking contrast to that which existed at an earlier date. He says:—

"Owing principally to the causes above mentioned, there was a great stagnation in the Colony. After the first two years of excitement had passed, the public Revenue diminished rapidly; trade diminished, because there were neither exports nor funds; the people lived on the remains of whatever capital or property they had not expended; no titles to land were issued; Government payments became tardy and uncertain; salaries were allowed to be several months in arrear, the local Government having neither money nor credit; and to this unhappy condition was the Colony reduced, notwithstanding its extraordinary natural resources, at the termination of the year 1843."

Surely such a description demanded investigation—demanded inquiry—in order to apply a remedy. But not one word of the speech of the Under Secretary was calculated to explain the causes of this disastrous state of affairs, or to suggest a remedy—his whole mind was absorbed in his defence of the Colonial Office. It was the poorest defence of the poorest cause he had ever heard in that House. But as the hon. Gentleman had not adverted to the origin of these calamities to both settlers and to the mother country, perhaps the House would permit him to make the attempt. Undoubtedly, the government of the Colony demanded vigour; but vigour not quite of the character of the hon. and gallant Member for Westminster. His

plan for the prevention of these evils was this:—When he saw capital embarked, and emigrants ready to depart, and ships freighted to convey them, he simply recommended the laying of an embargo upon the expedition, and stopping, in the outset, all colonization. Even if this vigorous determination could have been exercised, would it have prevented the colonization of New Zealand? Certainly not. Previously to the first Company being formed in this country for the colonization of New Zealand, English settlers were increasing in these islands; and settlers from all parts of the world, and especially from New South Wales, of the most objectionable character, resorted there. The number increased. Disorders were reported to the Governor of New South Wales; and British interference became inevitable, not only for the protection of the lives and properties of British subjects, but for the protection of native life and property also. We were, in fact, forced to send out first a Resident, without any power to sustain his authority, which was merely nominal, and wholly ineffectual. Mr. Busby, who filled this office, reported that further interference was necessary, not again alone for the sake of British interests, but for the protection of the native tribes against each other. He described, in a despatch, the anarchy which prevailed; the internal and desolating native wars, which, he said, were fast depopulating the country. At that time it was said that the missionaries had acquired great power in the country. Now, without speaking with any disrespect of the missionaries, he must be allowed to say that Mr. Busby's account of the Island clearly showed this—that they had done little or nothing to infuse into the native mind a love of peace. In spite of all their exertions, desolating, depopulating, and cruel wars prevailed. Little had been done to teach the professors of Christianity one of the great characteristics of our religion—a love of peace. Mr. Busby then proposed his plan for the Government of New Zealand. He proposed to bring about a confederation of the chiefs; and he was, through the influence of British authority, to govern this confederation. It was admitted that the power of the natives would be nominal, and it was intended that the power of the Resident should be real. It found favour with no one; and he (Mr. Hawes) thought that a more impracticable scheme was never suggested. Under the pretence of maintaining a nominal native power, British authority was to be asserted and upheld. The scheme was scarcely an honest one, and must have failed. At length, further measures became inevitable. The number of settlers increased. Land-sharking, as it is called, began to prevail in these islands; and some further interference of British authority, for the sake of all parties—natives and settlers—became again forced upon us. Then a British Consul was appointed, backed by a naval force. All parties concurred in this. The state of the islands compelled it; it was no longer to be avoided. English interests, both domestic and Colonial, became of importance. The position of the islands—their capacity for trade—their value as a naval station—the climate — the soil, had attracted the attention of capitalists at home. They had the power and the will to force upon the Government the value of these islands. And, without justifying everything the New Zealand Company may have done—and it would be still more difficult to justify everything done by the Government in reference to New Zealand, or by the missionaries—yet this must be conceded, that to the energy of the New Zealand Company we owe the possession of these important islands, the Southern England of future ages. The errors of the Government began here. New Zealand had been proclaimed a dependency of the British Crown—jurisdiction had been exercised—a British Resident had been sent out, by the simple act of the British Government. If New Zealand were then independent, where is the justification of this act? If independent, why was a British magistrate—a justice of the peace—appointed? And yet, whilst these islands were then spoken of and treated as dependencies, we were now called upon to treat these savage tribes as an independent Power. We proclaim their dependence—we create a jurisdiction over them, in the commissions of Governors of New South Wales—we appoint a justice of the peace—and then proceed to treat with the natives as an independent Power. On the grounds of the dependency of New Zealand, the New Zealand Company exercised the right of every British subject of settling and colonizing there; and the vigorous measure recommended by the gallant Member for Westminster was really indefensible either on grounds of policy, law, or the previous proceedings of this country. But who mainly, and in the

first instance, opposed the noble scheme of this Company for colonizing New Zealand? The Church missionaries resident there; and afterwards their superiors at home. This was unquestionable. The letter of the Church Missionary Society was published, and moved for by the hon. Member for the University of Oxford. In that letter they said they had always been opposed to the colonization of these islands. Why? That question was best answered by a reference to the recent Returns upon the Table of the House. The missionaries had become speculators in land. They had —at least, some of them—become, more or less, traders also. The systematic colonization of the islands necessarily interfered with their monopoly of power, and their possession of land. The Company called public attention to what was passing in the islands. English public opinion was brought to bear upon the transactions of all parties there. This Company necessarily paved the way for the establishment of British sovereignty; and British sovereignty, and the power of the missionaries over the 100,000 natives roaming over a space equal to the United Kingdom, could not co-exist together. Hence the opposition of the Church Missionary Society. Besides, British sovereignty, under whatever conditions asserted, involved the question of the proprietorship of waste lands. New Zealand was equal in extent to Great Britain. There were seventy or eighty millions of acres. Who were the possessors? If the natives, would you allow them to be the prey of the land-sharks of Sydney? If you regulate the sale of land, or restrain it, what becomes of the doctrine of native sovereignty? But sound policy required, that from the moment you determined upon actively asserting—which you could not avoid—British authority over New Zealand, that, according to all analogy, the waste or unoccupied land should vest in the Crown. The New Zealand Company treated with the natives, and purchased land as others did. But, when it became a Colony of the Crown, for the sake of the obvious advantages of settled authority and law, the New Zealand Company willingly waved its right by purchase; and, on the promise of a grant of land under the Crown, gave up the 20,000,000 of acres it possessed, and agreed to receive but 1,000,000. The hon. the Under Secretary appeared to think that the waste land did not vest in the Crown. [Mr. *Hope* dissented.] Why, then, if he admitted that it did, where was the difficulty of settling the claims of the Company? But the hon. Gentleman, he understood, defended the native right to all waste lands. He could understand his argument in no other sense. The hon. Baronet the Member for Oxford took the same view, and lauded the hon. Gentleman's "able" and comprehensive speech, he presumed, in consequence. He (Mr. Hawes) certainly entertained a very different opinion of that speech. But, if he had misunderstood it, he certainly had not misunderstood the Report of the Committee of 1840, which the hon. Gentleman the Under Secretary had supported by his vote. The hon. Gentleman the Under Secretary had served with him on that Committee, and had voted with him in favour of the opinion he was now maintaining; and though then in a minority, he had the satisfaction of being in that minority along with Mr. F. Baring, Mr. G. W. Hope, and Mr. Gladstone. What did that Report state?—

"Your Committee, after much consideration, have arrived at the conclusion, that irreparable evils will ensue unless the Crown shall become the sole proprietor of the whole of the soil of New Zealand; and they are of opinion that a good system of colonization cannot be carried into execution by any other means."

Again—

"That the soil of New Zealand, or any parts thereof, over which the sovereignty of the Crown shall have been established, should be vested solely in the Crown."

These were the general principles laid down and subscribed to by the hon. Gentleman. And the same Report not only fully recognised the "possessory rights" of the natives, but declared that the Crown, and the Crown only, should become proprietor of lands which they at any time were willing to alienate. These were wise and just provisions; but which now were forgotten, and altogether set at nought, by the Colonial Office and their Governor, Captain Fitzroy. These principles, indeed, were the basis of the agreements with the Company in November, 1840, and May, 1843; agreements now practically disregarded by the Government, not only to the ruin of the Colony, but the ruin of an Association which really acquired the islands for the Crown, but which had capital, and the will to colonize them for its benefit. Now, what had created the difficulties in which the Colony and the Com-

pany were involved? The Government really could have but one object. He did not mean to impute personal and sinister motives. Nevertheless, why had the Government left their agreement unfulfilled? He believed the main cause was to be found in the system pursued by, and the constitution of, the Colonial Office. In the first place, it had too much to do. There was a proneness to listen to Home interests, and Home views of policy, rather than to Colonial interests and Colonial views of policy. Forty or fifty Colonies at a vast distance had to be governed from home. Here were stationed powerful interests. Parties here, in fact, governed. The Colonial Office was open to them, provided they were powerful, and their views coincided with those of Colonial Ministers. Ignorant of local peculiarities, wants, and usages, such influence and such parties would and did govern, not in accordance with the interests of the Colony, but with their own. The result was natural enough. It was visible in New Zealand; it produced discontent, insubordination, and confusion. The Government, as it appeared to him, had always manifested an unfounded jealousy of the New Zealand Company. It was apparently objected to as a joint-stock company, a speculating body. But who forced this character upon the Company? The Government itself. He had been one of the original Association. They then sought a charter, in order to gain powers simply of superintendence, of subordinate government. An objection was taken to the Association having no direct interest in the Colony, and a charter was refused on this ground. And now, when the Company had become a joint-stock Company, it was objected that its objects were merely gain, and therefore to be watched, thwarted, and obstructed, as though their objects were purely and only mercenary. The whole proceedings of this Company furnished an answer to this charge. The Company was, in fact, an invaluable instrument of Colonial government. Let the House look to the origin of all the great Colonies springing from this country. The old Colonies of America were Charter Colonies; they had great and independent powers—powers of taxation, of making all appointments; in fact, they were constituted self-governing Colonies. Look at the results; they were founded on freedom, and only lost when that freedom was interfered with. Look at India. There, again, large powers were delegated to the East India Company. The results again proved the wisdom of the policy pursued; it cost the mother country nothing; but, on the contrary, contributed to its wealth and importance. Even in this case, India was only in peril when the policy of the Imperial Government interfered with the Colonial management. Then, again, look to Canada and the West Indies, where Crown and Colonial Office management prevailed. We had but recently, in the case of Canada, a rebellion; and in the case of the West Indies, constant troubles and constant expense. Surely, this mere allusion to our Colonial history was full of matter for reflection, and strictly applicable to the case under consideration. The future history of New Zealand would either resemble that of Canada, or, in prosperity, that of the American Colonies, just as we governed upon the principles of the Colonial Office, with its constant interference and meddling; or entrusted the powers of Government to local authority, to be guided by local and not party interests at home. Then he came to the remedy to be applied; that might be compressed into a few sentences—Municipal Institutions and Representative Government. Her Majesty's Ministers, they learned, were about to appoint a new Governor. He was to be appointed with large and discretionary powers, and not to be fettered with instructions, and more—he was to have a sufficient force at command. This was to make him a dictator. He did not object to this in the present state of the Colony. He would be at least free from the "laborious trifling" of the Colonial Office—from its unstatesmanlike views and instructions. So far it was well; and it would have been better if one—though he was far from intending in any way to disparage Captain Grey—of higher standing, of known reputation, of higher rank, had been appointed. Do what they would, however, they must emancipate the Colony from the Colonial Office; they must lay the foundations of local government, and which, when left as free as possible, would, like other Colonies to which he had alluded, soon display the original energy of the parent stock, and re-establish the settlers in their former prosperous state. This debate he regarded as far more important than in its bearing even upon the welfare of New Zealand. It distinctly raised the principles of Colonial government, which had too long been neglected. They must soon, in this Colony as in

others, determine upon one of two courses —either begin to lay the foundation of a system of local government, or the Colonies must be represented in this House. It had been suggested that a Board of Council should be established here to consider and report upon Colonial measures. This was recommended in that very able work of Mr. Lewis, on Colonial Dependencies. But whatever course was to be taken in the future government of our Colonies, this was clear, that a reform must take place in our Colonial Office. A mere Board to collect statistics—to report upon measures—to digest laws—to hold communication with parties in this country, whose fortunes were embarked in Colonial enterprise, or whose connexions were settled in our Colonies, would be a far superior instrument of government than the Colonial Office, overloaded as it was with business at present. Individual complaints were now often superciliously treated or neglected ; especially when they interfered with the schemes and plans of the Colonial Office. But a spirit was springing up in the Colonies, likely now to be more strongly backed by powerful interests at home, which would force upon this Office a different system. The very struggles of the New Zealand Company were favourable to Colonial liberty and energy. And all that he contended for was this, that nothing could so speedily and so surely accelerate the prosperity of the Colonies, as their emancipation from the hands of the Colonial authorities at home, and then being left as free agents to govern themselves, with as little interference from home as the political relations of the mother country would permit.

Sir *Howard Douglas:* I have read these bulky volumes with deep interest and profound attention, and approach this discussion with some knowledge of the facts of the case, and not without entertaining great dread of what may ensue. With some experience of Colonial affairs, I know as a professional man, the serious difficulties and the sad consequences of desultory warfare in a remote quarter of the world, with numerous tribes of people, in an extensive country, with a very insufficient force ; and I speak with peculiar interest on this subject, inasmuch as that very small force consists of a detachment belonging to the regiment I have the honor to command. No Member of this House—no subject of this realm — attaches more importance to the extension of the Empire by a sound and well conducted system of colonization than I do; and it rejoices me greatly to find by these discussions that hon. Members opposite, even the noble Lord the Member for Sunderland, who repudiate the vital principle of the Colonial system, have not yet altogether abandoned the subject of practical colonization, and still appear to cling to a policy which I began to fear was getting out of date and considered to be old-fashioned. ["Hear, hear."] I mark that derisive cheer — be it so—my opinions are as old as the days in which the foundations of this great Empire were laid in those well-known Colonial establishments by which these little islands have become the centre of a mighty Empire, and those opinions are as firm as that Empire is, I trust, enduring. It is because I do attach that importance to colonization conducted upon sound and approved principles, and in a judicious manner; it is because I do most fully admit the vast capacities and capabilities of the New Zealand Islands, as rich and extensive fields for British colonization, that I condemn and deplore that precipitate, unauthorized, lawless scheme which has blighted those prospects, and which has been the main cause of all the difficulties and disasters that have occurred, and may yet happen, from collisions with the natives. In support of my assertion, that the recent attempts at colonization have not been consistent with experience — that they were illegal, unauthorized, and have been the main cause of the difficulties which have ensued—I quote the Report of the Select Committee of the last Session, drawn up by the noble Lord the Member for Sunderland. That Report states—

"That in the measures which have been taken for establishing a British Colony in these Islands, those rules as to the mode in which colonization ought to be conducted, which have been drawn from reason and from experience, have not been sufficiently attended to.

"That neither individuals, nor bodies of men belonging to any nation, can form Colonies, except with the consent and under the direction and control of their own Government; and that from any settlement which they may form without the consent of their Government, they may be ousted. This is simply to say, as far as Englishmen are concerned, that Colonies cannot be formed without the consent of the Crown.

"That this attempt led at once to a violation of the law, by the first settlers entering

into a voluntary agreement for the establishment of an authority, by which they hoped, in the absence of any legitimate power, to maintain order amongst themselves. The illegality of this arrangement was pointed out to the Company by the then Secretary of State.

"That it is to be regretted that more decisive measures were not adopted for preventing the sailing of the expedition under these circumstances; since it appears important, with reference to the future, to observe, that such unauthorized attempts at colonization cannot be permitted without leading to the most serious inconvenience.

"That the irregular and precipitate mode of sending out the first settlers had the unfortunate effect of placing these settlers and the agents of the New Zealand Company, from the very outset, on unfriendly terms with the officer, whom Her Majesty's Government found it necessary immediately to dispatch from England, for the purpose of establishing the authority of the Crown in the Islands of New Zealand, has been one of the main causes of the difficulties with which it has had to contend.

And the first Resolution of the Committee, which appears to have been unanimous, embodies these opinions in the following terms:—

"That the conduct of the New Zealand Company in sending out settlers to New Zealand, not only without the sanction, but in direct defiance of the authority of the Crown, was highly irregular and improper."

With this I entirely concur. That attempt to colonize a State acknowledged to be free and independent, was, as I have asserted, illegal, unjustifiable, and unauthorized; it was, moreover, conducted with fatal precipitation. The first Colony was despatched, before any arrangement could have been made by the agents previously sent out to prepare for its reception, and before British authority was established in New Zealand. That expedition ought to have been stopped. An embargo ought to have been laid on their proceedings, until British authority and British law had been established in New Zealand; and Lord Normanby, instead of indulging in strong writing against the unauthorized undertaking—extracts from which have been read by several hon. Members—by my hon. Friend the Under Secretary of State for the Colonies, in his very able speech, and others—should have resorted to strong measures. He (Lord Normanby) should have stopped the expedition by proclamation; but this not being so, it does appear to me, that the British Consular, or Residential, or Diplomatic Agent who had been sent out there to treat with the native tribes, should have prevented that expedition from entering on their undertaking until British authority and law should have been established in New Zealand; and for myself, I would add, that if acting in that capacity, I would have sent that Colony to the neighbouring British Colony of New South Wales, there to wait. [Lord *John Russell:* Which would have been against the law.] It would not have been illegal; it would have prevented an illegal transaction. The time would come when all would have to deplore that the Government of the day did not interfere in some way to prevent that expedition from proceeding to, or entering on their lawless undertaking. Persisting, however, in this audacious and lawless enterprise, in defiance of the authority of the Crown, the New Zealand Company forced the Government to resort to the only effectual way by which that act could be covered—that of acquiring the Sovereignty of the New Zealand Islands—and now insist upon what would amount to a violation of the Treaty with the chiefs and natives of New Zealand, which the Queen of England was advised by the noble Lord the Member for London to ratify. Much has been said to ridicule what is called the farce of making treaties or compacts with natives in an uncivilized state, for the sovereignty and soil of the countries in their occupancy. How stands our title to the Eastern Settlement of the Cape of Good Hope? By compacts with the Caffres. How stands it with respect to Sierra Leone? By compacts with the natives likewise? How have our titles to the soil in that vast region which has been settled in Canada since its conquest, been acquired, but by purchase from the natives, whose right to the soil we never disputed? Lord Normanby, in his despatch of 14th August, 1839, to Captain Hobson, states that we acknowledge New Zealand as a sovereign and independent State, so far as it was possible to make that acknowledgment in favour of the people composed of numerous dispersed and petty tribes. Adverting to the Colony which had recently sailed from this country, and the necessity of establishing amongst them some settled form of civil government, his Lordship says—

"The spirit of adventure having thus been effectually roused, it can no longer be doubted that an extensive settlement of British sub-

jects will be rapidly established in New Zealand; and that, unless protected and restrained by necessary laws and institutions, they will repeat, unchecked, in that quarter of the globe the same process of war and spoliation, under which uncivilized tribes have almost invariably disappeared as often as they have been brought into the immediate vicinity of emigrants from the nations of Christendom. To mitigate, and, if possible, to avert these disasters, and to rescue the emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of Civil Government. To accomplish this design is the principal object of your mission."

This means the acquisition of the Sovereignty by treaty with the chiefs of the tribes. Lord John Russell, in his despatch of the 9th of December, 1840, to Captain Hobson, adverting to the formal recognition of New Zealand as an Independent State in 1835, to the condition of the people (viz., the New Zealanders), and to their competency to cede the Sovereignty on behalf of the people at large to Great Britain, writes thus:—

"Amongst the many barbarous tribes with which our extended Colonial Empire brings us into contact in different parts of the globe, there are none whose claims on the protection of the British Crown rests on grounds stronger than those of the New Zealanders. They are not mere wanderers over an extended surface, in search of a precarious subsistence; nor tribes of hunters, or of herdsmen; but a people among whom the arts of government have made some progress—who have established by their own customs a division and appropriation of the soil—who are not without some measure of agricultural skill, and a certain subordination of ranks, with usages having the character and authority of law. In addition to this, they have been formally recognised by Great Britain as an Independent State; and even in assuming the dominion of the country, this principle was acknowledged, for it is on the deliberate act and cession of the chiefs, on behalf of the people at large, that our title rests. Nor should it ever be forgotten, that large bodies of the New Zealanders have been instructed by the zeal of our missionaries in the Christian Faith. It is, however, impossible to cast the eye over the map of the globe, and to discover so much as a single spot where civilized men brought into contact with tribes differing from themselves widely in physical structure, and greatly inferior to themselves in military prowess and social arts, have abstained from oppressions and other evil practices. In many the process of extermination has proceeded with appalling rapidity. Even in the absence of positive injustice, the mere contiguity and intercourse of the two races would appear to induce many moral and physical evils, fatal to the health and life of the feebler party. And it must be confessed, that after every explanation which can be found of the rapid disappearance of the aboriginal tribes in the neighbourhood of European settlements, there remains much which is obscure, and of which no well-ascertained facts afford the complete solution. Be the causes, however, of this so frequent calamity what they may, it is our duty to leave no rational experiment for the prevention of it unattempted. Indeed, the dread of exposing any part of the human race to a danger so formidable, has been shown by the Marquess of Normanby, in his original instructions to you, to have been the motive which dissuaded the occupation of New Zealand by the British Government, until the irresistible course of events had rendered the establishment of a legitimate authority there indispensable."

This is an ample vindication of the Treaty of Waitangi; the competency of the native chiefs to make such compact; and the obligation it imposes. The hon. and learned Member for Liskeard had spoken of the Treaty with great levity. Perhaps the New Zealanders as a body, may not exactly have known what a Treaty meant, or understood any thing of international law upon which it proceeded; but their chiefs did. Right or wrong, the Treaty was made, it exists, and its provisions and stipulations are now well understood by the New Zealand people. It established in New Zealand the sovereign power of England. The natives know well the rights it secured to them—the august name of the Sovereign of these realms and the character of this country, are pledged to that people, that the Treaty will be faithfully observed. No measure—no course of proceeding—no policy that does not observe the utmost good faith in respect to that Treaty, can be pursued without the most serious consequences. The least infraction of that Treaty—the least indiscretion committed now, with reference to native titles and rights, would unquestionably lead to the most serious and deplorable results. The military force at present in New Zealand is inadequate to any emergency; the interior circumstances and features of the country are, in a military sense, formidable; and the habits and character of the natives, are such as require, if once roused, very considerable increase of force, and of other descriptions than infantry, to suppress any thing like a general insurrection, and desultory movements; and I know not why I should not now state the fact, that there is not a field gun, nor one single artillery soldier in the whole

of the South Australian Colonies. I have said, that the foundations of the British Colonial Empire were laid in Colonial establishments very different from that which has been attempted, with such fatal effects, in New Zealand. These were of three descriptions: Proprietary governments, Charter governments, Provincial establishments. Proprietary governments are grants by the Crown to individuals, in the nature of feudatory principalities, with all the inferior legalities and subordinate powers of legislation which formerly belonged to the owners of Counties Palatine. Of the former, there does now exist but one, that of Hudson's Bay. Charter governments are of the nature of civil corporations, with the powers of making by-laws for their own interior regulation. Provincial establishments, are formed by commissions issued by the Crown, which give power, with royal instructions to carry it out, to make local ordinances, establish courts of law, municipal institutions, and constitute provincial legislative assemblies. In all these, the rights of the aborigines to the soil, are distinctly admitted; and such atrocities as those committed in early days, severely condemned as a breach of natural justice. But a new fundamental principle of Colonial law has, it seems, been discovered as announced by the noble Lord the Member for Sunderland, in the Report of the Select Committee, drawn up by that noble Lord, and which is said never to have been controverted. It is this:—

"That the uncivilized inhabitants of any country have but a qualified dominion over it, or a right of occupancy only; and that, until they establish amongst themselves a settled form of government, and subjugate the ground to their own uses, by the cultivation of it, they cannot grant to individuals not of their own tribe any portion of it, for the simple reason, that they have not themselves any individual property in it."

I should like to ask where this principle of Colonial law is to be found? I find it not in Vattel, nor in Vaughan's Reports, nor in Stokes, nor in Blackstone. It is totally inconsistent with a strict observance of the stipulations of the Treaty of Waitangi. If carried out, it would violate the native rights which we have recognised and pledged to the New Zealand people. It would warrant a repetition of the worst atrocities of former times, which the noble Lord the Member for London so forcibly condemns. I suspect I know the origin of this new fundamental principle of Colonial law. It comes, I think, from the land in which the black man is a slave, and the red men of the forest have been driven and hunted from their lands, as the Seminole and other Indians have been, according to the prescription or adjudication that Indians have no other property to the soil of their respective territories than that of mere occupancy, and that the complete title to their lands vests in the Government of the United States! Diametrically different from this have been the policy and practice of Great Britain in her adjoining possessions—the Canadas. There the soil had been obtained by compact with the Indians. Every part of the vast region now settled has been obtained by regular conveyances and compacts from the native tribes. I have been a party to such compacts as a Commissioner to treat with numerous and extensive tribes in what were then remote unsettled parts. Every possible care is now bestowed to treat the aborigines with justice and kindness. Large reserves of land have been set apart for them, which they cannot alienate. No person can hold a title to land procured or purchased from them. With respect to what ought to be done, that is a difficult and important question. I admit that it is impossible to allow New Zealand to remain in its present condition; and that it is equally impossible either to abandon it, or to relinquish the colonization already commenced, consistently with what is due to the British colonists, and to the natives. I admit that the Colony should be placed on a comprehensive system of administration for the benefit of all parties. But I do not think this could be effected by erecting the New Zealand Company into feudatory Princes of New Zealand, by granting them a Proprietary Charter. I have the greatest possible personal respect for the gentlemen composing that incorporation. I am far from meaning them any disrespect, or expressing anything that can be offensive to them. I object to such a grant being made to them, or to any other set of gentlemen. I think my noble Friend the Secretary of the Colonies did right in declining the proposition recently made by the New Zealand Company to have a Proprietary Charter conferred upon them. I object to the Charter of 1840, as to any other measure which necessarily complicates the great difficulty of administering and regulating the government of a distant and extensive

Colony, by creating authorities and powers which take the management more or less out of the Queen's authority and functions, and out of the hands of her responsible advisers. I think the failure of the attempt made by the New Zealand Company to colonize New Zealand, has been so signal, that it appears to me utterly impossible for them to proceed with credit to themselves and advantage to the country under the existing Act of Incorporation. I think, therefore, they should surrender their charter, and that the Government should extend to New Zealand at a convenient time, and the sooner the better, that higher order of Colonial Government termed Provincial Establishments, which gives the power, as I have already stated, by Royal Commission and Royal Instructions to make local ordinances, to establish Courts of Law, Municipal Institutions, and ultimately to constitute Provincial Assemblies, and which form altogether the Representative Constitution of the British Colonies. I feel convinced that it will be impossible to organize and establish order in New Zealand, to rescue it from the serious evils with which that Colony is menaced, remote as it is, but by sending out a Governor with full powers, to bring it forward in this manner; and in the meantime, until British authority and British law shall have been established, and every preparation made for the location of emigrants, the country surveyed, roads opened, bridges constructed, town sites established, and many other preparatory works, upon all of which the natives as well as the settlers might be employed, no considerable number of settlers should be sent out; and then, in proportion as these preparations are made, those important islands may be filled with successions of colonists to a very considerable extent, to their own advantage and that of the country. I shall vote against the Motion of the hon. and learned Member.

Viscount *Howick* concurred so much in a part of the concluding recommendations of the honourable and gallant Officer, and so entirely agreed with him in thinking that to extend to New Zealand the principles of self-government at the earliest possible moment was the remedy most likely to lead to a better state of affairs in that Colony, that he would not follow the hon. and gallant Officer through the earlier part of his speech. He was the more inclined to abstain from so doing, because a large portion of the hon. and gallant Officer's speech was taken up with finding great fault with the acts of the New Zealand Company. On that point he entirely concurred in the opinion expressed by the hon. Member for Leominster (Mr. Barkly), who had that night, for the first time, taken part in their debates, in a manner which must have imparted to the whole House, as well as to himself, an earnest desire frequently again to hear the hon. Member, as he had shown himself so well calculated to assist and take a share in the debates of that House. He entirely concurred in the observation of that hon. Member, that the interest of the New Zealand Company in this matter was altogether a minor consideration and a comparatively unimportant part of this debate. It was very natural that his hon. and learned Friend the Member for Liskeard (Mr. C. Buller), connected as he was with the New Zealand Company, should have brought the case of the Company prominently before the House. He thought that the hon. and learned Member had done so with great effect; but, after all, it seemed to him that their interest was really as nothing compared to the great national interests which were at stake—the interests of this country—the interests of those settlers who were now in the Colony, in a situation of so much difficulty and danger —and the interests of the natives, who he thought were on the whole the greatest sufferers from the mismanagement which had taken place. In the observations which he meant to address to the House, he would, therefore, altogether pass by all dispute between the New Zealand Company and Her Majesty's Government. He was the more inclined to do so because, after all that they had heard, he thought that the purport of the agreement was so plain and simple that it was impossible to misunderstand its real meaning; that, notwithstanding all the special pleading resorted to in order to refute his propositions, what had been asserted by his hon. and learned Friend the Member for Liskeard, remained still untouched by any observations which had been made in opposition to him. Passing, therefore, altogether by the question of the particular interest of the New Zealand Company, he thought that the real question for consideration was, whether the policy which had been adopted towards New Zealand had been calculated to promote the welfare either of England, of the settlers, or of the natives. He conceived that the substantial effect of the vote which they were about to give,

would be to imply something faulty in that policy. They did not, by agreeing to go into Committee of the whole House, pledge themselves to the Resolutions as they stood. A great part of these Resolutions he himself had written last year; but still he thought that in the present state of affairs, they could not be adopted by the House without qualification. The substantial effect, as he regarded it, of the vote they were called upon to give, was simply this —that the policy pursued towards New Zealand had been faulty, and required to be amended. As to the mode of amending it, the different Resolutions would afterwards come under consideration, and the various questions which would arise might then be discussed in detail. The Under Secretary for the Colonies, in his speech last night, complained that undue blame had been thrown, in this matter, upon the present Secretary of State. The hon. Gentleman said that Lord Stanley was made answerable for the faults committed by his predecessors, and for many acts over which he had no control. He meant not to be guilty of imputing any such exclusive blame to the noble Lord. He concurred entirely in the opinion expressed in the Report of the Committee of last year by a Resolution drawn by his noble Friend the Member for Lancashire (Lord Francis Egerton), that the Treaty of Waitangi was only part of a series of injudicious proceedings, which were commenced several years anterior to the assumption of office by the present Government. That Resolution he believed to be strictly in accordance with the facts of the case, and to express the simple truth. Looking back at all past proceedings, with the benefit of their present knowledge, it was impossible to say that any of the successive Secretaries of State who had held office since the peace, had, in their administrations of affairs, been free from mistakes. The hon. Gentleman the Under Secretary of State had more particularly referred to the recognition of the independence of New Zealand in 1831 or 1832, which took place when he held the situation in the Colonial Office now filled by the hon. Gentleman, as the first step which had been adopted in the course of policy now so much objected to. This was true; and he was perfectly prepared to say that that measure, looking back at it now, with the advantages of the information which they at present possessed on the subject, was, in his opinion, a mistake. He was not, it is true, strictly speaking, responsible for the measure, since he held only a subordinate situation in the Colonial Office at the time, and of course the Secretary of State, not the Under Secretary, is answerable for what is done; but still, in the situation which he then held, he had the opportunity of expressing his opinion upon it; and he would not now attempt to conceal that, with the information then before them (and they were but imperfectly informed at that time) as to the real state of affairs, he then firmly believed that measure to be the best which could be adopted, and it was so with his full and entire concurrence. He said this in order to prove that far from wishing to throw on the present Government the exclusive blame of all that had been done amiss with reference to New Zealand, he was willing to take his own share of that blame; be believed that no Government could claim to have been entirely exempt from error. He thought, however, that on the whole, the Administration which was the nearest to being free from error in this respect was that of his noble Friend the Member for London (Lord John Russell). He thought that if there had been faults on the part of his noble Friend, they had been principally faults of omission, in not giving sufficiently full and precise instructions to those whom he employed, in leaving somewhat his views and intentions to be misunderstood by his subordinates, and, perhaps, also, there had been the mistake of an unfortunate selection of the agents to be employed. No one could read the despatches of his noble Friend without seeing there traces of larger and more statesmanlike views, with reference to New Zealand, than in the despatches either of those who preceded or of those who followed him. With respect to Lord Stanley, it would, he repeated, be unjust to blame him for all the errors that had been committed. Many of the difficulties which had since been experienced, had already begun when he assumed the control of the Colonial Department; and in particular, that mistake which had had the most serious effect of all the mistakes which had been committed in reference to the Colonies, namely, the injudicious selection of those to whom the powers of the Government in the Colony were entrusted, rested with preceding Secretaries of State, except as regarded the case of Captain Fitzroy; an exception, undoubtedly a considerable one, for which Lord Stanley had to answer. Having thus, he hoped, sufficiently disclaimed any intention of un-

fairly blaming the present Secretary of State for what had been done by his predecessors in office, he would not embarrass himself any more with the miserable personal question of how far the blame was to be divided between this man and that man —how far it was to be divided between the local authorities and the successive Secretaries of State. They should take a larger and higher view of the subject. He wished them to consider, not whether Lord Stanley or his noble Friend was to blame, but whether the policy pursued towards the Colony of New Zealand had been wise, or the reverse; and if the reverse, he wished them to express their opinion to that effect, in order that that policy might be changed. This the national interest required, and to that they were bound to address themselves. He thought that the policy pursued towards New Zealand might be fairly judged of by its fruits. It seemed to him that that was, after all, the test by which every scheme of Government must be judged. He now wished to ask the House what were the effects of the policy pursued towards New Zealand? He would not take up their time, at that late hour of the night, by describing the present condition of affairs in that Colony. It was the less necessary that he should do so, as the hon. Member for Lambeth (Mr. Hawes) had already read a most striking passage from a despatch written by Governor Fitzroy himself, painting in stronger language than he (Lord Howick) could use, the really disastrous condition of affairs. The hon. Gentleman (the Under Secretary) did not, in fact, deny the difficulties and dangers of the settlers at the present moment. The question, then, was, how had that state of affairs been produced? The hon. Gentleman and the hon. and gallant Officer (Sir Howard Douglas) said, that it was entirely owing to the faulty conduct of the New Zealand Company. The whole blame of this state of things was, it seemed, to be thrown upon them. Now he did not think himself called upon to become the advocate of the New Zealand Company. If the House were to go into Committee, and if any one were to move the Resolution which had been agreed to by the Select Committee, of which he had had the honour of being chairman, expressing their opinion of the irregularity and impropriety of the earlier proceedings of the Company, he would be prepared to concur in that Resolution. He thought that colonization by British subjects should not be carried on, except under the sanction and the authority of the Crown. But, while he made this admission, he could not also but feel, with his hon. and learned Friend (Mr. C. Buller), that, after all, they were a good deal indebted, in some respects, to the Company. They must all greatly rejoice that the magnificent Islands in question had been saved to the British Crown. But for the interference of the New Zealand Company, it was perfectly clear that they would have been lost. They were greatly indebted to the Company from that consideration; and he felt bound to say, that he thought that their scheme of colonization was a greatly conceived and a wisely formed project; and that, in the execution of that project, they had shown no common share, no common amount of zeal, of ability, and of perseverance. It might be a question whether the sailing of the expedition might not have been properly prevented; and as to this he was, perhaps, inclined to agree in part with the hon. and gallant Officer (Sir H. Douglas), although he could not go the length of that hon. and gallant Gentleman, who had certainly recommended a course which came strangely from one who denounced the Company as rash and lawless. He could not but think that the shipping off of the whole of the New Zealand Company, with all their agents and settlers, to New South Wales, would have been, at least, as rash and lawless a proceeding as any of which the said Company had been guilty. But when the expedition had sailed, the right way in which to deal with it was that which had been adopted by his noble Friend (Lord John Russell), namely, to endeavour to come to a cordial and friendly understanding with the Directors of the Company, and to take measures necessary for the welfare of the settlers, and for carrying into successful effect the Company's scheme of colonization. That was the policy which had, in his opinion, been most properly adopted by his noble Friend. Unfortunately, that policy had not been equally adopted by those to whom the powers of the Government in New Zealand were entrusted; nor was it adopted by his noble Friend's successor in office. It seemed to him that when they said that the disasters of New Zealand were entirely to be attributed to the rashness of the Company, they overlooked two material facts. In the first place, he found, that in the outset of affairs the settlements, even at Cook's Strait, went on, on the whole, very satisfactorily; that

great progress was made, and that while the colonists received no assistance whatever from the Government—on the contrary, while they were compelled to pay large sums of money to maintain the Government from which they derived no assistance whatever, and of which the seat was established at a great distance from their settlements; still, until the officers of the Government banefully interfered to thwart and impede their operations, for several months affairs went on very satisfactorily at Cook's Strait. He found that this was the statement even of the officers of the Government themselves. It was said that the settlers and the natives were then on the best possible terms with each other, and that everything there wore a prosperous and a thriving appearance, until, by the unhappy policy pursued, the difficulties thrown by them in the way of the occupation of land had given rise to the confusion which had since ensued. He thought that no man could attentively read the Papers in which such statements were made, without seeing that the whole spirit in which the officers of the Government acted was that of vexatiously interfering with and thwarting the settlers on Cook's Strait, although, in spite of these efforts, it was not until two years after the settlement had been founded that the difficulties became really serious. This was his impression from reading the correspondence; but if he were mistaken in that impression, and admitting it to be otherwise, what were they to say as to the northern parts of the island? The hon. Gentleman the Under Secretary of State had not answered the argument of his hon. and learned Friend near him—if all that had happened was owing to the misconduct of the Company, how happened it that affairs were worse in the northern than in the southern parts of the island? In the northern parts of the island the Company had not interfered. There the Government had it all their own way. Whatever was wrong there, the Government was responsible for it, and it must be solely attributed to their mismanagement. The northern parts of the island, it had been truly stated by his hon. and learned Friend, had been irregularly colonized for a considerable number of years. In the early portion of that time great outrages and horrible crimes had been committed, and there had been fearful scenes of anarchy and confusion; but still all the information they had received proved that matters had considerably improved, that considerable changes for the better had taken place, and were still in progress, up to the year 1840; that missionaries on one side, and whalers on the other, had availed themselves of the great natural resources of the country, had formed settlements, and had established friendly relations with the natives, and that something like a civilized state of society had thus begun to be created. No doubt the absence of regular law had been felt to a considerable degree, and they ought by no means to be surprised to hear that offences had been committed; but still upon the whole a considerable progress was made—trade, not to a very small amount, was carried on—person and property were very tolerably secured; in short, the real and essential objects of Government were, to a great extent, answered. It was also clear that, if left to themselves, the settlers and natives would, by degrees, have been enabled more perfectly to provide for the wants of a society rapidly becoming more numerous, and requiring a more regular organization. If they compared the state of things in 1840, and in 1832, it was impossible to doubt that great progress must, in this respect, have been made. An hon. Friend near him reminded him that in 1832 the barbarities committed in New Zealand were so monstrous, that it was actually found necessary to prohibit introducing into this country, as matters of curiosity, the heads of New Zealanders, which were preserved by a peculiar process of their own. They had distinct evidence, as he remembered when he was in the Colonial Office, that in New Zealand men were actually killed, for the purpose of preserving their heads by this peculiar process, in order that those heads might be sold as articles of curiosity for the museums of Europe. In 1840, great progress had been made. Cannibalism in the northern parts of the island had almost disappeared; the outrages formerly so common were no longer heard of; and the undoubted fact, that trade and industry were rapidly increasing, proved that, however rude the means by which this was accomplished, order and security were very tolerably preserved. But it so happened that from 1840—from the moment the authority of the British Crown was established—from the moment they had taken that step for preserving order and securing the progress of civilization—from the moment that they had thus, as they hoped provided against the evils of anarchy and

for the due security of property—from that very moment, instead of things improving, they became far worse than they had been before, and the evils of anarchy were greater than at any former period. He asked them how they accounted for this? It was impossible for them to account for it otherwise than by admitting that there must have been some great error in their policy. The Government of the country must, he said, have been ill conducted, or such serious evils could not have followed. If there had been a wise policy—if there had been a vigorous policy — it was not possible but that good must have followed, and not evil, from the introduction of British laws. Looking to the results of the policy which had been adopted, and to the undeniable facts he had mentioned, it seemed therefore clear that there must have been some great fault in their policy, and there would, he thought, be no difficulty in tracing that fault to its source, nor in showing how had been produced that state of things which now existed. The fault of their policy was that adverted to in the Report of last Session ; it was that an entirely erroneous system had been adopted in determining the ownership of land and in granting titles to it, and also that there had been a total want of proper firmness in making their authority obeyed and respected by the native tribes. As to the evils which had arisen from the unsettled state of the land-claims, he was saved from the necessity of offering any proof by the admissions that had been made by the Under Secretary of State, by Captain Fitzroy, by Lord Stanley, and by every Gentleman who had spoken on the subject. He believed it to be a fact disputed by none, that the uncertainty which had existed so long with reference to the claims to land had been the main source of all the difficulties which had been experienced. The question then arose, how had it happened that the land-claims had been allowed to continue so long unsettled ? The Committee of last year came to the conclusion that this had been occasioned by the mistaken policy adopted by the local authorities, and supported by the present Secretary of State, and the erroneous construction put upon the Treaty of Waitangi. On the other hand, the hon. Gentleman (Mr. Hope) had gone at great length into an argument, of which the object was to disprove this conclusion, and to show that the Report of the Committee of last year did not put the true construction upon the Treaty of Waitangi—that, on the contrary, the Treaty had been correctly understood by Lord Stanley ; if time permitted him, he would have no difficulty in meeting that argument. He firmly believed that the correct construction had been put upon the Treaty by his noble Friend the Member for London, in the Charter of the Colony bearing the great seal, and his instructions to the Governor under the Sign Manual. He admitted, indeed, that there were expressions used by Lord Normanby that were not altogether consistent with this interpretation—he admitted that some expressions could be quoted from Lord Normanby's despatches which it could not fairly be denied gave considerable support to the argument urged by the hon. Gentleman on this point. Notwithstanding this, however, he still felt no doubt that the interpretation put upon the Treaty by the Committee might be shown to be the true one ; but he would not detain the House by then attempting to support this conclusion, because it seemed to him altogether unnecessary to do so, since, even admitting the hon. Gentleman's construction of the Treaty to be the right one—admitting it to be so, for the sake of argument—still he said that this did not in the slightest degree meet the allegation that the difficulties which had arisen with respect to the titles to land were the natural result of the impolitic measures that had been adopted. He contended that, from their own account of these transactions, from what appeared on the face of these Papers, it was plain that Her Majesty's Government, and the authorities under them, had acted most injudiciously with reference to the land. His complaint was, that neither those entrusted with authority in the island, nor Her Majesty's Government at home, had, since the period that the noble Lord the Member for London had quitted office, understood the paramount importance of maintaining for the Crown the complete administration of the waste lands. If they had been aware of that ; if they had felt the extreme importance of maintaining the power of the Crown over all unoccupied and unused land, he said, that understanding the terms of the Treaty as they understood it, there could have been no difficulty in obtaining that complete control. Adopting their own interpretation of the Treaty of Waitangi, it was admitted that it gave to the Crown an unlimited right of pre-emption in respect to all land held by the natives of New Zea-

land; and maintaining this right, and allowing no sale of lands but to the Crown, would have been quite sufficient to have attained the object in view, that of establishing the right of the Crown to all waste lands. Had the vital importance of this been understood, by simply maintaining the right of pre-emption, for a very small consideration the Government might have practically obtained from the natives a control over all lands not used by them; and that course, he said, would have been really advantageous to the natives, advantageous to the settlers, and advantageous to all parties concerned. His hon. and learned Friend had very clearly shown, on the previous day, that with respect to such unused land, the real interest of the natives was not that they should be permitted themselves to sell the land, for money or goods, which they were sure improvidently to waste, but to have it sold by the constituted authorities in such a manner as to ensure its regular occupation, and to have the price obtained for it so applied as to encourage the investment of capital and settlement. Captain Fitzroy himself, in common with every other person, had admitted that a large portion of the land was utterly valueless until a value was given to it by European settlement; no claim, on the score of justice, to be largely paid for permission to occupy it, could therefore be set up on behalf of the natives; and his hon. Friend had also shown that to compel the settlers to give a large price for the land to the natives was, for their welfare, a most imprudent course. This, indeed, was distinctly admitted even by the Protector, Mr. Clark, who had taken so active a part in maintaining what he considered the rights of the natives, as in one of his Reports he pointed out that the sudden affluence to which they had been raised had been injurious to their moral improvement. The hon. and gallant Officer opposite said that what was most wanted was, opening roads and building bridges throughout the country: this was most true; but if the Government threw away the money obtained for land (which ought to afford the means of meeting these wants of an infant settlement) by giving large sums to the natives, they must come upon the settlers for contributions to open those communications throughout the country which had been suggested. The principle of the New Zealand Company was the proper one: it was to sell the land (by which they ensured its being distributed to those who meant to use it, since none others would pay for it a considerable price), and then employ the price given in emigration to the country, and on public works; thus returning to those who bought the land, the money in the best manner and the most useful to them. Every shilling which, instead of being thus employed, was wasted by giving it to the natives for what to them was of no value, was a shilling withdrawn from objects that might be beneficial to the native and the settler. It was then in order that the waste land might be thus made use of, that it was so desirable that the title of the Crown to all such land should be established; and he contended that, even granting it to have been right to put the hon. Gentleman's (Mr. Hope's) construction upon the Treaty, the local authorities, if they understood the importance of this principle, would have obtained from the native tribes their acquiescence in the plan of the land being disposed of to the Crown; above all they would, as they were clearly entitled to do, have put a stop to all dealings between the natives and private settlers for land, which, of all practices, was the most injurious that could have been allowed to go on. When the news went out that his noble Friend had concluded a bargain with the Company, it was the duty of the officers not to have found fault with the alleged sales of land by the natives to the Company, not with an inquisitorial and pettifogging jealousy to seek out for flaws in the title by which lands were held by them. It was their duty, on the contrary, if they found the supposed purchases by the Company disputed by the natives, to adopt the most effectual and speedy means in their power to cure this defect in the Company's title, and with that view should have endeavoured, on the part of the Crown, and at the least possible cost, to purchase the lands from the natives, and then dispose of them to the Company. If that had been done, no one could doubt that none of the evils that had since happened could have occurred. If the natives had known that they could sell to nobody else but the Crown, there could have been no doubt of the Crown being able easily to gain possession. If this policy had been followed from the beginning, there would have been no difficulty in obtaining the acquiescence of the natives, and in satisfying even them that it was the course most for their benefit. Instead of this, the local authorities

proceeded to investigate the titles of the Company to the lands in the most hostile spirit. The course actually adopted was to assume that the natives had a complete knowledge of the nature of landed property, and that it was the duty of the Protectors on their behalf to extort the highest possible price for unoccupied land. This was the principle adopted in the proceedings of the Court of Claims—every claim to land was thus investigated—the *bonâ fide* nature of the sale was required to be established, whether a proper price had been paid for the land, and whether the native title to the land had been a good one; these were things to be judged of by a gentleman going out from this country, who was altogether unacquainted with the native language and native customs, and who had but imperfect means of communicating with the parties. It had been justly remarked by his hon. and learned Friend, that it was in the nature of uncivilized men to show very little respect for truth, and that having the hope of immediate gain, they were not likely to be scrupulous in their assertions; that having consumed the articles which had been given for the land, when encouraged to hope that they might again get paid for it, they would naturally be ready to deny past transactions. But the Court, in determining on claims to land, had not only to decide on the validity of the alleged sales, but also on the right of the natives themselves to the land which they had sold. Conceive the difficulty of such an inquiry. It was doubted whether the natives understood at all, until they acquired the notion from the settlers, what was meant by having a right of property, according to our ideas, in unoccupied land; if they had such an idea at all, it was of a right depending on their own barbarous customs. He remembered what had happened in Committee on this subject, though, being incidentally mentioned, it did not appear on the face of their proceedings. A witness was brought forward by the Under Secretary of State to show that the natives had very correct notions on the subject of property in land. This witness said, in reply to a question from the hon. Member for Pontefract (Mr. Milnes), that one chieftain maintained that he had the best title to a particular district because he had eaten the former owner. Let it be understood by the House that they had sent out a gentleman full of notions of the law of real property as it existed in this and other civilized countries, to decide as to the title to lands held under these barbarous native customs. Could it be said that Englishmen, who had gone out to colonize a country like New Zealand, and to cultivate land lying in a state of nature and utterly useless, should be prevented from doing so, in deference to the title of its present possessors, which depended upon such customs as these? Millions of acres of land which might, if these difficulties of title were removed, be brought into cultivation and made productive, were now lying waste. The interest of all parties, natives as well as settlers, was that the land should be divided and brought into use as soon as possible; but the effect of the course which had been pursued by the Government was to declare that nobody should use it, but that it should be shut up and excluded from all human use and human enjoyment, until all these complicated and conflicting claims of title—claims arising out of such transactions as he had alluded to, were decided. It would be as reasonable to bring one of these New Zealand chiefs, and dress him up in a wig and gown, and place him in the Court of Chancery here, to decide questions of title according to the laws and customs of this country, as to leave it to a Court of Claims composed of Englishmen to decide upon claims arising out of these barbarous New Zealand customs. If it had not led to such serious results, he would have said that a more ludicrous farce had never been enacted. And when it was known that such mischievous follies had been committed in the Colony, what was the course taken by the Government administering the affairs of this country, to protect those of its subjects who had been induced to embark in the colonization of New Zealand? When the despatch from the Governor, acquainting them with these proceedings, came to their hands, instead of putting an end to the difficulty at once in a single despatch which could not be misunderstood, they went into all manner of questions as to the construction and meaning of the Treaty of Waitangi, and the terms of the contract between the New Zealand Company and the Government. The complicated nature of the New Zealand Company's claims, if the mode of proceeding which had been commenced was to be continued, ought to have been understood, and some means ought to have been taken by the Government to get over the difficulty. He would show that, from the moment of Governor

Hobson's arrival, the subject was brought under the consideration of the Government, and the importance of a speedy settlement of the land-claims pointed out. Governor Hobson, in a despatch to the Colonial Office, dated 20th February, 1840, observed upon the evils of the land jobbing, the mania for which, he says, had taken possession of both Europeans and natives; and added that the policy of stopping that mania must be obvious to all who had any notion of the principles of colonization. Again, Captain Hobson says—

"I fear conflicting claims will be brought under the consideration of the Commissioners, the effect of which will be to create a violent ferment. Many large tracts of land were sold some years ago, at a price which bears no proportion to the present value; and this fact exasperates the natives, who imagine they were overreached by the purchasers. And another germ of discord is the conflicting claims of the natives, claims suggested, in many instances, by interested Europeans."

The first thing that ought to have been done was, as directed by Lord Normanby and the noble Lord the late Colonial Secretary, Lord John Russell, to put an end to all claims of a title to land in virtue of sales by natives; but notwithstanding those instructions, claims to land founded on such sales were allowed to be received. It was said it could not have been intended to reject such claims, for the New Zealand Company held lands the title to which rested on purchases from the natives; but the answer was, the New Zealand Company most unwillingly rested their title on these sales, only when the British Government refused to maintain its authority in the Islands—when it regarded the chiefs as civilized people, understanding civilized rights, possessing them, and able to exercise them; then it was, and then only, that the New Zealand Company felt themselves obliged to avail themselves of the only authority that was admitted. Then it was that they were willing to gain land by sales, and to sell that land again before they had intimation of those sales being recognised. But the fact was, the sales were considered null the moment the authority of the Government was established, and from that time the New Zealand Company rested their claim, not on their alleged purchases, but on the grant of the Crown. That this was so was shown by the fact, that only a small part of the land alleged to have been bought from the natives had been assigned to the Company; and the land so assigned had been assigned, not on account of the payments made, but on account of the expenses incurred upon it. Now if the original sales were good at all, if they were to be considered as valid transactions, they must give, not a partial claim, but a claim to the whole of what was supposed to have been bought. The Government did not regard the supposed purchases, whether by the New Zealand Company or by individuals, in this light: they were pronounced altogether null and void; but to meet the equitable claims of those who had commenced the settlement and occupation of the land, it was provided that, not by virtue of any right or claim, but on considerations of policy, a certain quantity of land, in proportion to the expenditure incurred, was not to be adjudged, but to be granted by the Crown to the parties by whom that expenditure had been incurred. This, it is clear from the Papers, was the original intention of the Government, particularly of my noble Friend the Member for London, while he held the office of Secretary of State; and the fatal error that was committed was, that this intention was not carried into effect, but these claims were submitted to the adjudication of a Commissioner who endeavoured to decide upon them according to the inapplicable principles of English law, and not according to natural equity and the peculiar circumstances of an uncivilized country. The Papers before the House showed what had been the working of this mode of proceeding. In one case, the Governor wrote to say that he hoped to prevail on a certain chief (Te Whero-Whero) to accept a composition of 250*l.* for the claim he made for land admitted to have been fairly bought by Colonel Wakefield from the occupants at the time, but for which this new claim was afterwards made. This claim the Government and the Commissioner recognised, and made themselves the instruments of obtaining from the Agent of the Company, as a compromise, a further payment of 250*l.* And what did the House suppose was the nature of this claim? The Governor, in a subsequent despatch stated, that—

"The Waikato tribe, under the chief Te Whero-Whero, conquered and drove away the Ngati-awas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and, having pretty well laid waste the country, and carried off a number of slaves, they retired to

their own district, on the banks of the Waikato."

That was in 1834, and they never came near the district again till 1839. But, then, Colonel Wakefield having bought the land from those who were actually in occupation, the claim of these conquerors, claims founded in open and unblushing violence, were recognised and enforced by the Governor, and a Treaty for the purchase of the land was made with these conquerors, who had not returned to it for five years, and never would have returned if the whites had not settled upon it. These claims were evidently made with no other object than to extort money from the white settlers, to the great injury of the natives themselves, as he had shown, yet they were acknowledged by the Government, and 250*l.* promised to be paid in discharge of them. But, as might have been expected, the moment that promise was made the demand increased, the terms were raised, and new difficulties were interposed in the way of securing the purchasers in their title to the land: and, as if to show more completely the absurdity of such a course of proceeding, the slaves who had been carried away by these conquerors came afterwards, and put forward their claims as the original possessors. And Governor Fitzroy at once overturned Mr. Spain's judgment in an elaborate paper, which showed the degree of absurdity to which the matter was carried, drawn up with all the subtlety of an English lawyer, and in which it was declared that men did not lose their title to the land by being carried away as slaves. These subsequent claims were held good by Governor Fitzroy, and payment to the conquerors was held to be insufficient, and a further payment was said to be due to the conquered. Was there, he asked the House, even common sense in such a policy? Mr. Commissioner Spain went out with an impression imbibed from our own notions of law, that titles to land were not lightly to be dealt with; but it seemed from the last Papers laid before the House that experience had opened his eyes to the folly of such arrangements as those for which Governor Fitzroy contended. On the 2nd of July last Mr. Spain gave this opinion:—

"One fact, however, that has every day forced itself upon my observation, I think applicable to my present argument. I have travelled over a country where I found millions of acres of first-rate available land, upon which the human foot had scarcely ever trod, showing the capability of this country for maintaining a very large population; and it does appear truly lamentable that the present few inhabitants should be differing on the subject of land, where there is so much more of that commodity available for every purpose than can be requred for centuries to come. I am clearly of opinion that, at the Hutt, Wanganui, Taranaki, and other places, the natives, attracted by European settlements, and feeling the advantages of bartering with the settlers, have come and cultivated land in the immediate neighbourhood of those places, which they would not otherwise have thought of taking possession of. Again, at Taranaki I found the natives little disposed to abide by my award, and offering various obstructions to the settlers, not because they wanted the land themselves, but merely to prevent the Europeans from making use of it."

All these obstacles had arisen from the natives having been taught that, by obstructing as much as possible the settlement of the land titles, they might extort more from the Europeans. And to this process there was no end; for every new claim was admitted, no matter how many had been previously settled. There was actually a proclamation that no waste or unoccupied land was to be taken and brought into cultivation, even though wanted for the purpose of raising food, to which any native should put forward a claim; and that without any inquiry whether such claim were well founded or not. Again, he asked, was there common sense in such a policy? He contended that this policy was the main cause of all the difficulties that had occurred in New Zealand. And let him observe, the case he had stated was by no means an isolated one, for in his despatch the Governor went on to say:—

"I have mentioned this case as the type of one hundred others, merely to show your Lordship how difficult it is, unsupported by power, to conclude any real bargain with the natives; for it is evident that in this case Te Whero-Whero has presumed on his imposing position, and my evident weakness, and that I am compelled to assume an independence which I certainly cannot maintain."

This was the Governor's statement, and he told them of the avowed and undisguised extortion to which he was compelled to submit. They saw what had resulted from this policy; but what might have been expected had the Government acted on different principles? If they had said to the natives, "The right of pre-emption you have given to the British Government;

we will give you for the land what it is worth to you when we find you in actual occupation, and for the purposes of settlement it is necessary you should remove from it, but you shall not be required to remove from it without your consent; but for the land which you do not occupy, which you make no use of, and which is of no value to you, you are entitled to, and must expect, no remuneration whatever. The advantage you are to look for is, that by giving it to us we shall employ it more to your benefit than you could yourselves; we shall improve the land, make roads and bridges, and open communications through the country; we will bring settlers who will be advantageous customers to you; and at the same time there will be the reserves for your benefit." He had no doubt that if this language had been held with proper firmness, the acquiescence of the natives would have been at once obtained. Some little difficulty might have been experienced at first; but the facility which they had shown in alienating the land, and selling it to other parties, convinced him that if it had been made clear to them that they could thus, and thus only, obtain the advantages they required—of trade with the Europeans—the Crown would have become possessed of all the land in New Zealand, and the settlers would have been in quiet possession of their land; there would have been none of these unfortunate disputes, but industry would have made progress, capital would have been invested, a regular demand for native labour would have sprung up, and the means of maintaining the chiefs in their relative positions to their fellow countrymen have been found; the amalgamation of races would have gone on, and the noblest scheme of colonization attempted for two hundred years would have proved completely successful. It was unnecessary to go farther in proving that a most erroneous policy had been adopted with reference to the titles to land; he would next endeavour to show from the Papers on the Table that the present anarchy which prevailed in the Colony had been the result of the want of ordinary firmness in those to whom the powers of Government had been entrusted; that European authority had in the first instance been greatly respected by the natives, but had, from not being exerted, step by step decayed and dwindled away. He would show how gradual this backward progress had been, and how different had been the state of things when the British rule was first established. It appears that there was in the Bay of Islands, on the 15th of June, 1840, rather a serious disturbance between the natives and some sailors, but at that time, by the mere interference of the authorities, it was put down without the least difficulty. About the same time, on the 20th of June, Mr. Shortland went to Port Nicholson, and, though he certainly was by no means disposed to take a favourable view of the state of affairs, yet he tells the Governor—

"I was again assured of the loyalty of the settlers, and that they were actuated in their proceedings solely by a view to preserve the peace, and protect their property. I have great pleasure in informing your Excellency that Her Majesty's Government is fully established, and that both the European and native population are in a very satisfactory state."

(This was a year after Colonel Wakefield, and near half a year after the *Cuba* arrived.) The authority of Government was at this time, as it appears, fully established, and obeyed both by the settlers and by the natives. A remarkable proof of this was afforded by an occurrence that took place during this first visit of Mr. Shortland to Port Nicholson. A difference had arisen with respect to some land occupied by the natives, of which the settlers wished to take possession; from this difference a slight affray ensued; but Mr. Shortland, as representing the Governor, being appealed to, the disturbance ceased. Both Colonel Wakefield and the natives acquiesced in his decision, and the matter was amicably adjusted. This was in 1840. He would proceed now to 1841. In October, 1841, Governor Hobson wrote to say—

"On the 11th instant I returned to Auckland, having completed my proposed tour, the result of which has been most satisfactory, both to the European and native population."

In the same despatch, towards the end, he observes—

"The native chiefs of the district called on me, and expressed the greatest confidence in Her Majesty's Government, and their willingness to comply with every order I might give them, but they all demanded protection from the encroachments of the Company, who, they asserted, had most unscrupulously appropriated their lands."

The natives having obstructed the road

between Wellington and Wanganui, by tabooing the river, the Governor says—

"I informed the principal chief, Hiko, that the right of constructing roads through the Colony belonged to the Queen, and that whilst I faithfully supported the natives in their just rights, I would as firmly maintain those of Her Majesty, and that I trusted I should hear no more of the obstructing of such measures as were intended alike for the benefit of the native and European population. He received this hint with perfect good feeling, and promised that in future no interruption should be offered."

At that time, then, nearly two years after Colonel Wakefield's arrival, a very general respect for authority and submission to the Government still prevailed. He was speaking of the end of 1841, but the policy of the local Government, though it had not yet seriously impaired its authority, was then beginning to produce its natural results. He found that about this time Mr. Halswell reports to the Colonial Secretary, that—

"A party of natives had gone over and settled on the land on the Hutt which Mr. Mason had begun to cultivate, a considerable distance up the country through a rough and thickly-wooded country, some miles from any other settlement, and at present inaccessible by water. That he had visited the place and settled the matter, inducing the natives to go to their own reserves for cultivation."

This Report proves that up to this period the settlers, even in isolated situations, were secure, and that any little interruption they met with from the natives was easily put an end to, by a very slight interference on the part of the officers of the Government. Now, let them mark the policy of the Colonial Government in this instance, and how naturally it led to the subsequent disorders. Could there have been anything more judicious than Mr. Halswell's interference, and his use of the native reserves? Yet on the 16th of December, 1841, Mr. Shortland, the Colonial Secretary, in answering the letter communicating to him these occurrences, says—

"The Governor cannot sanction such a mode of satisfying the native claims by the Company;" —

and then he goes on to direct Mr. Halswell to inquire whether the natives had not a good title to the land in question. The natives were prepared to go from the land, and to allow its cultivation by the settlers; but the Government officer was instructed to suggest to them a doubt, as to whether they had not a good claim to the land. Such was the policy which had been acted upon in New Zealand, and which it was the object of the Resolutions before the House to condemn. So late as December, 1841, they found Mr. Clark, a Protector of the aborigines, setting forth the peaceable state of the native population, but remarking upon the apprehension entertained as to the results of the disputes about land. Up to this time, however, they had the natives respecting their authority, willing to acquiesce in what was done for their benefit—having a great opinion of English power and of English friendly feeling, and all parties unanimous in opinion as to the absolute necessity for the settlement of the disputed land-claims. Under these circumstances, could any one conceive the madness of those who—holding authority—did not avail themselves of so favourable a position of affairs for the final settlement of the land-claims? At this time, to show how great the authority of Government still was, he need only refer to the murder of Mrs. Roberts and her children. Upon that occasion the Governor was already showing that timidity and pusillanimity so unworthy of those entrusted with the authority of the Crown. He appeared then to shrink from taking the measures so necessary in such a case. The settlers, however, did not share the Governor's timid hesitation, and owing to their active endeavours, the murderer, though he was connected with one of the most powerful chiefs of the island, was arrested, brought to trial, and the last sentence of the law carried into effect upon him without resistance and without difficulty. But symptoms of turbulence and insubordination were fast beginning to appear. Three months after the execution of the murderer of Mrs. Roberts, the Governor, who, at the end of 1841, had only to say the word to put down the practice of taboo, wrote, stating the regret with which he heard of new outrages taking place, the acts of the natives being provoked by a supposed desecration of tabooed ground. He went on to lament that he had not sufficient power to demand and enforce the abolition of the practice of taboo, and he stated that he lamented this the more, as it generally happened that the violence of the natives was directed, not against those who had violated the taboo, but against all white settlers in general. He owned that he was astonished that a British Governor could write that he must allow outrage and violence to be

perpetrated against every unprotected white settler, and that he had no power to bring against that barbarous practice of taboo. Why, if the very first time such outrages were committed, they had been dealt with as they ought to have been—if the offender had been seized and confined for a week in prison, at Wellington or Auckland—there would have been no repetition of the offence. The authority of the Government was most ample; but the Government looked quietly on, and allowed its authority to be trampled on, and consequently, as might naturally be expected, it came to be utterly despised and set at nought. So early as November, 1841, he found that a letter had been addressed by the hon. Member for Dartmouth (Mr. Somes) to the Colonial Secretary, stating that he had received information that the natives had been permitted with impunity to enforce by violence against the settlers the observance of the barbarous system of taboo. Would it be believed that, in the Papers upon the Table, there could be found no despatch from the noble Lord the Secretary for the Colonies, in consequence of the representations of the hon. Member for Dartmouth, ordering the local authorities at once to interfere, and declaring that the practice of taboo could not and would not be permitted. Surely, such would have been the instructions at once sent out by a Secretary of State alive to the extreme importance, more especially in dealing with an uncivilized people, of repressing the first symptoms of insubordination. Nothing of the kind was done; the disorders were suffered to proceed, and so naturally became more and more serious. In 1842, Mr. Swainson, who had been injured by various outrages and encroachments on his land, wrote to Mr. Halswell; but that gentleman, having had what was commonly called a rap over the knuckles for his former interference, declined again to meddle in the matter; and for several months a correspondence went on, in which Government Officers, Police Magistrates, and Commissioners of Land Claims were cognizant of the facts, that a settler's residence had been endangered, that property had been destroyed, that wanton outrages had been committed; but the unfortunate applicant for protection from lawless violence was bandied about from one to another, and told that he must have recourse to a civil action against a native of New Zealand. That was a fact stated, not by the servants of the Company, but by those holding office under the Crown in New Zealand. The aggressions on the Hutt recommenced in February, 1842. Mr. Swainson, the party aggrieved, wrote to the Protector, Mr. Halswell, and several letters at intervals to the Police Magistrate; but no redress was given, although Commissioner Spain himself confirmed all the facts, as to the alleged open violence of the natives on Mr. Swainson's land; and then went on to say—

"Mr. Swainson having now made a formal complaint to the civil power, His Excellency will no doubt be put in possession of all the circumstances of the case by the proper authorities here; and I have only stated thus much, as coming under my own particular observation upon the two occasions when I felt it necessary to be present in order to assist, if possible, in restoring harmony between the parties; and I felt more especially called upon to do so in a case where the natives upon Mr. Swainson's land claimed no title to the land; and I, therefore, got Mr. Clark to tell them that I was sent there to do them justice as well as the white people, and that it was wrong in them to interfere with the latter while I was investigating the case. Other natives," he adds, "were very angry with the aggressor, and offered to put him off by force, a proceeding which we discouraged."

The correspondence ended by a letter from the Colonial Secretary to Mr. Swainson, saying, that as the case appears to be one of breach of agreement, and purely of a legal nature—

"The Government can only interfere so far as to enforce the decision of a court of justice, with the exception of authorizing the mediation of the Protector of Aborigines, who has already been instructed to render every assistance to the settlers in arranging disputes between them and the natives. His Excellency had no doubt that misunderstandings of the nature of that now under consideration will cease, as soon as the land question shall have been adjusted, and the property of each party clearly defined; meantime, he can only earnestly recommend a continuance of that forbearance which has been shown by the settlers, as the best means of ensuring success in the great undertaking in which all are alike engaged, viz., the colonization of these beautiful islands by moral influence instead of physical force."

He did not know whether this was written in mockery. It was certainly a most extraordinary course to refer men whose property was burnt before their eyes to a civil action, and say that these things would cease when the land-claims were adjusted, at the very time when the noble Lord (Lord Stanley) was taking a course which must

postpone the settlement of these claims for months, if not for years. Was this the mode in which our subjects were to be protected? What was the object of Government, if not to protect those subject to it from taking the law into their own hands? Even if the natives had had a claim to the lands in question, they ought not for a moment to have been allowed to take possession of them by force. For what did civil government exist at all, except to see that parties should not be deprived of their property by force, but be ousted only by the operation of law from that which they might turn out to hold illegally? But here they found the natives allowed violently to seize property to which they did not even pretend a right. It seemed the policy of the civil officers of the Colony to enforce the law only against the whites. The Government presumed on the respect which, under all the attacks and provocations, those settlers have invariably shown to those bearing the commission of the Queen, and which prevented them from defending themselves. The natives, however, had power to commit with impunity every violence and aggression. Did they think this was acting as real friends of the natives? Did they suppose such conduct tended really to the welfare of that race of people? Instead of promoting the welfare of the natives, this policy was in every way most injurious to them; it created an anarchy from which in the end they must be the greatest sufferers, and it rendered valueless the reserves which, under a wiser management, would have been an ample provision for their benefit. In the beginning of June, 1842, Mr. Halswell, Commissioner of Native Reserves, and Protector, writing to Colonel Wakefield, complains of want of any funds from the mode in which he is ordered to manage the reserves, and in the course of his letter says—

"Generally speaking, they (the natives) and the settlers have been upon pretty fair terms; nevertheless there are continually some trifling misunderstandings between them, but which by prompt attention have hitherto been quietly adjusted; and I have usually found both parties satisfied. Latterly, however, the natives from all parts have been almost hourly calling upon me for assistance and advice. I am obliged to keep a constant watch over both parties to prevent a collision, which would be attended with very serious conseqneuces. This bad feeling on the part of the natives, I am sorry to say, is rather encouraged than otherwise by some interested white men. I may here mention a recent instance. Rangihaiata, the chief of the island of Mana, accompanied by about fifty natives, armed with muskets, took violent possession and utterly destroyed four tenements and preparations for saw-mills, which had been built by a Mr. Toms and others on the Porerua Road, about twelve miles in the bush from Port Nicholson."

Occurrences of the same kind took place at New Plymouth; and all these violations of British law were allowed to be committed with impunity, as if on purpose to teach the natives how safely the authority of the British Government might be treated with contempt. Did they think this occurrence had no connexion with the more tragical event of a year later, in 1843? Did they think that if they had then properly maintained their authority, and punished such a breach of the peace in June, 1842, the fatal event of June, 1843, in which this chief bore a prominent part, would have occurred? They would not, since none of the causes which led to that most unfortunate event would have existed; if the Government had not abdicated its functions, and abstained from protecting the settlers, the latter would not have been driven to attempt protecting themselves. And if this barbarous chief, the prime actor in all the worst scenes of atrocity, had not been allowed thus with impunity to trample on the laws, and set the white men at defiance, he never would have conceived that overweening notion of his own power, and of the weakness of the Government, which encouraged him to resist the warrant which Captain Wakefield was attempting to execute when the catastrophe occurred. Hence it was impossible not to regard as the direct consequence of the impolicy of the Government authorities the tragedy of June, 1843, when the lives of British officers of the highest character, of gentlemen and other persons against whose general conduct not a word could be said, of men of the very highest standing in society, and in the respect of all about them, were sacrificed in a manner beyond measure painful to contemplate. It was his deliberate but most decided opinion, that that dreadful calamity was directly traceable to the impolicy with which the affairs of New Zealand had been administered; and the blood of these men cried out to that House, to adopt means for the more efficient protection of British subjects in that Colony. From the date of that calamity the ill progress of affairs was rapid. The authority of the Governor became more and more despised, outrage succeeded

outrage, until at last there was no attempt at the maintenance of order. In corroboration of this statement, the noble Lord read the following address from the inhabitants of Auckland to Governor Fitzroy:

"It is with sorrow that for some time past, we have observed discontent and dissatisfaction widely spreading among the natives. The first establishment of the Queen's authority here was hailed by them with joy, and more extended intercourse tended for some time to increase their respect for us; but of late many events have occurred to diminish this, until it is now all but destroyed. It is well known that the natives regard us now neither with respect nor fear. Our physical power has been brought into contempt; but what is still more to be regretted, the moral influence which had been acquired over them has also been lost."

He would not now go into a detail of the means which the Governor resorted to in order to restore that moral power which was lost; but no man who read the Papers through would think that they were well calculated to effect the object. He knew that it had been alleged in vindication, or rather in extenuation, of the want of firmness which had been shown by the Colonial Government, that it never had the command of a sufficient military power to enforce obedience to its authority. Captain Hobson, Mr. Shortland, and Captain Fitzroy had all in succession complained of the want of troops, and expressed most exaggerated apprehensions of the numbers and warlike character of the New Zealanders. He believed it was not force, but resolution and firmness in using the force of which they had the power of availing themselves, that were wanting to these successive Governors. If they had made a proper use of that power which organization always gives the civilized man over savages; if they had used it firmly and temperately, not to oppress the natives and rob them of their possessions, but to maintain discipline, and teach them the blessings of peace and order; if that policy had been followed from the first, no man could believe that there would have been resistance to British authority; or that, if offered, it would not have been speedily suppressed. Really, the apprehension of the power of the New Zealanders seemed to him absolutely ludicrous. Had it not been found that the superior intelligence and the powers of concert and combination of civilized men invariably made them too strong to be resisted by barbarous tribes, however great the disparity of numbers? Could they for a moment compare the dangers to which the white inhabitants of New Zealand were exposed from the natives, with those of the early settlers in New England from the hostility of the Indians? The North American Indians were far more numerous than the New Zealanders, well skilled in their peculiar mode of warfare, which was suited to the nature of the country they inhabited, and capable of understanding the advantages of combining together against their European enemies, as witness the well-known confederacy of the Six Nations; yet against such formidable enemies as the North American Indians, the superior intelligence of civilized settlers enable them to maintain their ground unaided by any regular military or naval force. The New Zealanders were comparatively few in number, though personally brave, utterly unacquainted with even the rudiments of the art of war, and so divided by mutual animosities and jealousies that it would hardly be possible to get two tribes to act together in concert against Europeans: to dread, therefore, their power, or to doubt that, with proper firmness from the first, the authority of the Government might not easily have been maintained, was altogether unreasonable. He would not, however, lay the whole blame of this want of firmness on the local authorities. He concurred in the opinion which had been already expressed, that Captain Fitzroy had great reason to complain of the absence of any proper instructions on this most important point from the Home Government. In the despatch of Lord Stanley, dated the 18th of April, 1844, he found, to his great surprise, not one word respecting this state of anarchy, and not one syllable of instructions to the Governor as to the means to be adopted to correct that state of things. Now, he wanted to know what was the object of civil government? Was it not to prevent breaches of the peace, and to teach men to refer their disputes to the decision of competent authority? The natives had been taught to despise them, and he was afraid that they would not unlearn that lesson except by the employment of means which were fearful. When at length Captain Fitzroy was driven to find that peace was not to be obtained by concession, and that yielding to uncivilized and barbarous men all that they asked only provoked fresh demands—when he found out that, and resorted to force, he (Lord

Howick) expected that Captain Fitzroy, like other weak men who were at last driven to make a stand, would display as little moderation and prudence in the use of force, as he had exhibited wisdom in abstaining from it so long. The policy pursued in New Zealand had been attended with the most baneful effects. Large numbers of their fellow countrymen who had gone out there had appealed to them, and it was for that House to say whether that appeal should be in vain. If he had made out his case, that these calamities and this fearful state of things were the result of bad policy and misgovernment, it was then the absolute duty of the House to acquiesce in the Motion of the hon. Member for Liskeard, Mr. Charles Buller. It was clear to him that there was no hope of a real improvement in the policy of the Government, until they pronounced an opinion on their past policy. He said this with more confidence, because it appeared from the speech of the hon. Member for Southampton (Mr. G. W. Hope) that the Government still clung to all the main features of that policy. Therefore, it was time for the House to interfere; and let them do so by carrying the vote for going into Committee; and in the Committee, he thought the Resolutions should be mainly confined to condemning what was past. He did not think that at the present time, and at this distance from the scene of action, they were in a condition to pronounce any confident opinion as to particular measures to be adopted. All they could do was to tell the Government to choose the ablest man for Governor, one that would carry the greatest authority. Let them offer such a man any advantage to induce him to go to that Colony; tell him that what was past was wrong, but leave him at entire liberty to act as he should find expedient when he arrived at the Colony; fetter him by no instructions—give him the largest and most unreserved powers, and let him act as he should find that the state of affairs might require. They were told that the present Governor of South Australia was to be sent to New Zealand. He had heard this with some regret—not that he did not entertain a high opinion of Captain Grey; on the contrary, he thought his administration in South Australia did him the greatest credit. But having there gained the confidence of the Colony, which was flourishing under his rule, he considered it a pity to disturb it. He thought, too from his rank in the service to which he belonged, his age and station, he could hardly have that weight and authority necessary to enable a Governor to do all that was required by the state of New Zealand. His task would be no easy one. He took it for granted the absurd ordinances which had been passed by Captain Fitzroy, sanctioning the purchase of land from the natives, would not be allowed to stand good; at the same time, claims would have accrued under them which it would be difficult to adjust, and they ought to send some one whose name would have weight and authority sufficient to put down those that were frivolous and unfounded. If he were Captain Grey, he should have some doubt about accepting the commission with which the Government proposed to entrust him. He could not consider the selection made by the Government as altogether a wise one, and he infinitely preferred the suggestion of his hon. and learned Friend. It was a strong reason in favour of such an appointment, that if it were intended that the affairs of New Zealand should go on well, one most essential thing in the new Governor would be, that he should have very little scruple in dismissing the highly paid and incapable servants of the Government, by whose misconduct the present state of things had been produced. It was the abject weakness and pusillanimity (he feared in some cases faults still more unpardonable) of the Police Magistrates and Commissioners and Protectors; which had brought on these evils and he feared, till a large proportion of them were removed, they would not be remedied. The duties of Government required in an infant settlement might be discharged by the Colonists themselves, who had a stake in its welfare, either gratuitously, for the honour such functions conferred, or at all events for a small remuneration. The new Governor would require large and unlimited powers to restore order and the dominion of law in the Colony. When that was accomplished he hoped they would revert to the ancient and wise policy of their ancestors, and allow the colonists to govern themselves. No doubt they would commit some mistakes, perhaps serious ones; but all experience was in favour of self-government. When he looked at what their ancestors accomplished two centuries ago under this system, and contrasted it with the results of attempting to govern from Downing Street a settlement at the antipodes, he must say experience was decidedly in

favour of allowing a Colony to govern itself. Admitting, as he had already done, that serious mistakes might still very probably be committed, those mistakes would be likely to be promptly corrected, when the power of applying a remedy was in the hands of those who suffered by them. Unfortunately, under the present system, there was no exemption from error, and far greater difficulty in correcting it. We had now before us a melancholy proof of the height to which misgovernment might be carried in Downing Street, before an effective remedy could be applied. From some experience of the Colonial Office, he was persuaded that it was utterly impossible for any man, be his talents and industry what they might, adequately to administer such complicated affairs as those of the British Colonies, scattered all over the world. It was totally impossible to remedy this deficiency, as suggested by the hon. Member for Lambeth (Mr. Hawes), by the constitution of a Board. His experience of the administration of Boards was anything but satisfactory; a Board was, in his opinion, the most clumsy and ineffective contrivance of Government ever invented. [Mr. *Sidney Herbert:* Hear.] The right hon. Secretary at War cheered: no doubt the right hon. Gentleman was suffering as he had suffered before him in the same Department, from the difficulty of dealing with that pest of the British Army, the Board of Ordnance. For a Colony, he believed self-government was the best. The hon. Under Secretary for the Colonies said, that there would then be no security for the natives; it would have been well for the natives of New Zealand if the Colony had been self-governed. Nothing could be worse for them than the state of anarchy that had been produced. Were that got rid of, nothing would be easier than to give them proper security, especially if the policy of the New Zealand Company was followed—that of amalgamating the two races. He concluded by again repeating that the question really before the House was the approval or disapproval of the policy hitherto pursued in New Zealand, and the consideration of the first step towards a new and improved system of administration. If the House entertained a regard for the just claims of their fellow subjects in the Colony of New Zealand, men whose courage and perseverance in pursuing the great design they had undertaken was worthy of the highest commendation, if the House would do justice to these individuals, and if they would do justice to the natives themselves, who of all others had been injured by the system pursued, they could not refuse the Motion of his hon. and learned Friend.

Debate again adjourned.

House adjourned at a quarter past one o'clock.

HOUSE OF LORDS.

Thursday, June 19, 1845.

MINUTES. *Took the Oaths.*—The Earl of Lismore.

BILLS *Public.*—1ª. Banking (Ireland); Small Debts (No. 2); Real Property Conveyance (No. 2).

2ª. Bishops' Patronage (Ireland); Military Savings Banks, Oaths Dispensation.

Reported.—Ecclesiastical Courts Consolidation; Charitable Trusts.

3ª. and passed:—Schoolmasters (Scotland).

Private.—1ª. Birmingham Blue Coat Charity School Estate; Waterford and Limerick Railway; Whitehaven and Furness Railway; Eastern Union (Bury St. Edmund's) Railway; North Wales Railway; North Woolwich Railway; Dundalk and Enniskillen Railway; Staleybridge Waterworks; Manchester and Birmingham (Ashton Branch) Railway; Wolverhampton Waterworks; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch).

2ª. Severn's Estate; Agricultural and Commercial Bank of Ireland; Kendal Reservoirs; Dundee Waterworks; Battersea Poor; North British Insurance Company; Newcastle-upon-Tyne (Tynemouth Extension) Railway; Aberdeen Railway; Dundee and Perth Railway; Monkland and Kirkintilloch Railway.

Reported.—York and North Midland Railway (Bridlington Branch); Hull and Selby Railway (Bridlington Branch); Wilts, Somerset, and Weymouth Railway; Great North of England and Richmond Railway; Newcastle and Berwick Railway; Bridgewater Navigation and Railway; Clydesdale Junction Railway; Lancaster and Carlisle Railway; York and North Midland Railway (Harrogate Branch); Edinburgh and Glasgow Railway; Lord Barrington's Estate; Whitby and Pickering Railway; Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Kendal and Windermere Railway; West of London and Westminster Cemetery; Taunton Gas.

3ª. and passed:—Castle Hill (Wexford) Docks; Bedford and London Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Berks and Hants Railway; Lowestoft Railway and Harbour; Blackburn, Darwen, and Bolton Railway; Yarmouth and Norwich Railway; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church.

PETITIONS PRESENTED. From Nottingham, and 2 other places, against Increase of Grant to Maynooth College.—From Freemasons of the Church, founded for the Recovery, Maintenance, &c., of the Principles and Practice of Architecture, in favour of the Museums of Arts Bill.—From County Ratepayers of Dufferin, against the Grand Jury Laws (Ireland).—From Tradesmen of Gravesend, for Repeal of 57th Clause of the Insolvent Debtors Act Amendment Act, except as to Debts not exceeding 5*l.*—From University of Durham, for Exempting certain Charities from the provisions of the Charitable Trusts Bill.—From Minister of London Mariners' Church, Wellclose Square, for restoring that Church to the Use of British and Foreign Sailors, and Poor Danish Pensioners.

THE QUEEN'S MESSAGE.] The Earl of *Liverpool* rose in his place and said: My Lords, in conformity with the Orders of the House, I waited on Her Majesty

with the Address of the House, agreed to on the 16th of June, and Her Majesty was pleased to receive the same very graciously, and to say that she would give directions accordingly.

SMALL DEBTS BILL (No. 2).] Lord *Brougham* brought in the Small Debts Bill again, with the omission of some words entitling the jailer to a fee of 1s., for administering an oath in the place of an attorney, objections having been made in the other House to this provision as an infraction of their privileges, which led to the loss of the Bill.

Lord *Portman* thought it very fortunate that the other House had had the supervision of this clause, which would have introduced a very grave alteration in the law of the country. He objected to giving to a jailer the power of administering an affidavit. The clause had been put in between the third reading and the passing of the Bill, in a great hurry, and without being read in that House.

Bill read 1ª.

COURTS OF COMMON LAW PROCESS BILLS.] Lord *Campbell* said, he had to move their Lordships that a Select Committee be appointed to search the Journals of the House of Commons to see what proceedings have taken place in that House, respecting the Courts of Common Law Process Bill, the Courts of Common Law Process (Ireland) Bill, and the Court of Session (Scotland) Process Bill. His strong suspicion was, that the Committee would report, that after these Bills were read a second time in the House of Commons, without opposition, the Committee on them was postponed without any discussion, for six months. He hoped their Lordships would allow him to recall to their recollection, in order that the public might be informed of it, what those Bills were. It might be supposed that those Bills were most highly unconstitutional, that they made an attack on private property, or, above all, that they assailed the independence of Ireland, and were meant to bring that country under subjection to this. Why, the great object of those Bills was, and he believed the effect of them would have been, to confer a very great benefit on Ireland, as well as on the whole of the United Kingdom. He (Lord Campbell) had been induced to turn his attention to the subject, from representations which had been made to him regarding it from various parts of Ireland; and the noble Lord opposite, who had been Secretary to the Lord Lieutenant, was well aware that one of the worst effects of absenteeism in Ireland was, that persons of property who had large debts in Ireland left that country, and either settled in England, or went to France or Italy, where they set their creditors at defiance, and drew from Ireland, to England, France or Italy, the rents and profits which accrued to them from Irish property. At present their creditors, instead of suing them in the Irish courts, were debarred from doing so by the technical rule prevailing both in England and Ireland, that unless the debtor was within the jurisdiction of the court, he could not be served with process; while, without process, no judgment could be had, and without judgment they could not affect his property, real or personal. You might bring an action in France or England, but that did no good, because, with a French or English judgment, you could not touch the debtor's property in Ireland. The object of the Bill was, under the jurisdiction and direction of the Irish Judges, to allow that service given in England or France, or any other country, in a case respecting a debt contracted in Ireland by a person who had left it and was living in another country, might be the foundation of a judgment under which the property might be seized for the benefit of his creditors. The Bill was approved by his noble and learned Friend on the Woolsack, the organ of the Government in that House; it was approved of by all the law and all the lay lords. There were two corresponding Bills, because in those cases there must be reciprocity; one respecting Scotland, and one respecting England, to ensure that justice should be done to Ireland, and that so far the laws of the three countries might be conciliated. These Bills had been approved of by Government, and passing that House unanimously; they were read a second time in the other House; but from the Journals of the House of Commons which he had before him, he found it was ordered by that honourable House that the Committee on those Bills should take place that day six months; that was, they were unceremoniously rejected. He (Lord Campbell) could have no feeling on the subject; it was not a party matter; but he must re-

gret, for the sake of the public, that measures so well considered, and, as he believed, having such a beneficial tendency, should be rejected without consideration. He regretted that Her Majesty's Government, in that House having warmly supported the Bills, in the other House should disclaim them, and allow them at once to meet their fate. He thought if Government supported a measure in one House of Parliament, that was an implied agreement that it should be supported in the other House. And he should have expected that the right hon. Gentleman the Secretary for the Home Department, who exercised a sort of control over those matters, would have risen in his place and stated that those measures were approved of by Government. At all events, they ought to have been submitted for the opinion of the House, and deliberately considered. He had done his duty, and he hoped that after this declaration it would not be supposed that the Bills contained any attack upon private property, or on the independence of the Irish people, and that he should be acquitted of all blame on account of those measures. He would conclude by formally moving that a Committee be appointed to search the Journals of the other House.

The *Lord Chancellor* said, it was due to his noble and learned Friend to say that his Bills were approved of by that House, and had been under consideration both in the present and last Session of Parliament. In consequence of some difficulty with respect to the law of Scotland, they were not proceeded with last Session; but the Bill for Scotland was submitted to the consideration of the Lord Advocate during the present Session, and met with his approbation. He believed the real fact was, that his noble and learned Friend entrusted the Bills to a learned Friend in the other House, who never opened them, read them, or stated to the House what they contained, and sacrificed them to one or two jokes which passed at the time. When the House went into Committee upon them, a Motion was made and carried without discussion to fix the Committee for that day six months. He must at the same time say, that no imputation whatever rested upon the hon. Gentleman who had been alluded to—he believed him to be a most estimable person.

Motion agreed to.

BISHOPS' PATRONAGE (IRELAND) BILL.] Order of the Day for the Second Reading, read. *Moved* that the Bill be now read 2ª.

The Marquess of *Clanricarde* would request the right rev. Prelate, who had charge of the Bill which stood for a second reading to-night, to postpone the measure, which had only been presented to their Lordships on the 16th of June, and was one of the utmost importance.

The Archbishop of *Dublin* had conceived that no opposition or objection whatever would have been offered to his proceeding with the Bill, because he could not conceive that any person could be averse to it, whose conduct was, as he believed that of the noble Marquess to be, and as he was bound to suppose that of every one of their Lordships to be, fair, and honourable, and upright. It would not put a stop in any way to proceedings against the bishops in Ireland in contests respecting rights of presentation; but it would enable them to lay on their successors the legal expenses to be incurred on their account. The whole object of the Bill was to prevent the bishops from being grievously impoverished, or deprived of their just rights. The principle was no other than that already affirmed by Act of Parliament, that the building of the parson's house or the see house, should be charged partly on the successors of those to whom they belonged for life.

The Marquess of *Clanricarde* said, the right rev. Prelate had given an answer befitting the country of his adoption, and of his (the Marquess of Clanricarde's) parentage; for, having asked the right rev. Prelate to postpone his measure, he had entered into a long statement describing it. He should remind their Lordships that this Bill was only read a first time on the 16th; and as no one but some of their Lordships especially interested had had time to read it, he should move that it be postponed until the 30th. The preamble went on the assumption that the lay patrons were the aggressors, whereas almost in every case they had succeeded in the lawsuits with the bishops. Besides, why should not the owner of an estate strictly entailed, be allowed to charge the expenses of such lawsuits on his heir, if the bishop was allowed to do so as to his successor?

The Earl of *Wicklow* doubted whether the noble Marquess could give better rea-

sons for opposing this measure than he had just delivered, supposing their Lordships agreed to his postponement. The fact was, this Bill was a necessary consequence of that passed last year, limiting the time of bringing these actions. The advowsons would be handed over to the claimants, if some such protection was not afforded; for it could not be expected that prelates elevated to sees often at an advanced period of life, would incur enormous expenses in defending rights by which their successors would benefit.

Their Lordships then divided, on Question, that "now" stand part of the Motion:—Contents 19; Non-contents 35: Majority 16.

The Marquess of *Clanricarde* said, he considered it was against all precedent to press forward a measure, with the nature of which many noble Lords were wholly unacquainted. He might state that a dispute had arisen between a right rev. Prelate and himself with reference to a right of presentation; his adversary had taken the case through every court, and eventually it was brought before their Lordships; and after a lapse of nine years from the commencement of the proceedings a final decision was given, the judgment of every court having been in his (the Marquess of Clanricarde's) favour.

Lord *Brougham* said, he entertained no objection to this Bill, and he did not think the noble Marquess had any stateable grounds of objection to it. He considered that a great injustice was inflicted upon the Irish prelates by the Act of last Session, which fixed a time beyond which no action could be brought to try the title of presentation to a living. The bishops were compelled to proceed in such cases within a certain time; and consequently actions which might have spread over a century were crowded within one or two years, and the unfortunate archbishop or bishop at present in possession of the see, was compelled at his own proper cost to defend his rights. He saw no objection to the second reading of the Bill to-night, for the noble Marquess would have ample opportunity of discussing its merits in Committee, on the Report, or on the third reading.

The Earl of *Wicklow* said their Lordships had had as much time for considering this Bill as was usually afforded them in the case of other measures.

Lord *Cottenham* thought their Lordships must have seen enough of the Bill to convince them that it was absolutely necessary for the interests of the Irish prelates. The existing bishops might be ruined by litigation before their rights were ascertained, and the object of the measure was to provide against this evil by the mode adopted in other cases. The question was between the lay patron, who claimed the right of presentation, and the ecclesiastical patron, who enjoyed the patronage; and the ecclesiastical patron had to pay the expenses of litigation with regard to rights in which he himself had very small interest.

The Earl of *St. Germans* thought that individual prelates ought not to be saddled with the expense of such extensive litigation as that in which they might be involved for the maintenance of their rights; and he hoped their Lordships would not consent to delay a Bill of so much importance.

Lord *Campbell* said, this might be a very meritorious Bill, but he thought that further time ought to be allowed for its consideration. In his opinion they should be cautious to provide some check upon useless and unnecessary expenditure; for if a bishop presented without just right he was the assailant. It was proposed by the Bill, that the Judge should certify that there had been reasonable grounds for defending actions of this nature. He considered that this provision would impose an invidious duty upon the Judges; and he would suggest that the Attorney or Solicitor General for Ireland should give his opinion before the case came on for trial as to whether there was just and reasonable ground of defence.

The Marquess of *Clanricarde* recommended that the Committee on the Bill should be put off till time was afforded for consultation with the parties in Ireland.

Lord *Denman* agreed with Lord Campbell, that it would be necessary to look fully into the details of the Bill.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 19, 1845.

MINUTES.] BILLS. *Public.*—2°· Commons Inclosure; Drainage of Lands; Seal Office Abolition; West India Islands Relief; Sir Henry Pottinger's Annuity.

Private.—1°· Epping Railway (No. 2).

Reported.—Birmingham and Gloucester Railway (Glou-

cester Extensions, Stoke Branch and Midland Railways' Junction.

3°· and passed:—Manchester and Birmingham Railway (Ashton Branch); North Wales Railway; Hartlepool Pier and Port; North Woolwich Railway; Duke of Argyll's Estate; Eastern Union and Bury St. Edmund's Railway (No. 2); Dundalk and Enniskillen Railway; Stalybridge Waterworks; Waterford and Limerick Railway; Wolverhampton Waterworks; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch); Glossop Gas.

PETITIONS PRESENTED. By Lord Ashley, from Clergy of Dorset, against Grant to Maynooth College.—By Mr. Spooner, from Members of Church of England Lay Association, against Union of St. Asaph and Bangor.—By Sir Robert Ferguson, from Merchants and others of Londonderry, for Alteration of Banking (Ireland Bill.—By Viscount Clements, from Joseph Boyd, for Inquiry into his Case.—By Mr. J. O'Connell, from several places, against Colleges (Ireland) Bill.—By Sir H. Douglas, and Mr. Heneage, from several places, in favour of the Ten Hours System in Factories.—By Captain Gordon, from Shipowners and others of Banff, for Inquiry into the Merchant Seamen's Fund.—By Mr. Bell, and Lord Worsley, against Parochial Settlement Bill.—By Mr. Compton, and Mr. Spooner, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Sheridan, from Dorchester, in favour of Physic and Surgery Bill..—By Lord Ashley, and Lord Rendlesham, from several places, for Diminishing the Number of Public Houses.—From Magistrates and others of Beccles, for Alteration of Law relating to the Sale of Beer.—By Mr. Spooner, from Magistrates and others of Wolverhampton, in favour of Smoke Prohibition Bill.

NEW ZEALAND—ADJOURNED DEBATE (THIRD NIGHT).] Mr. *Edward Ellice* (Coventry) said: My hon. Friend the Member for Guildford has been kind enough to permit me to take precedence of him in this debate. I am anxious to do so both for my own convenience, and also in order that at this stage of the discussion I may endeavour to extract from Her Majesty's Government some distinct statement as to their future policy on this subject. We have had the whole question brought before us by my hon. and learned Friend the Member for Liskeard (Mr. Charles Buller) in a speech characterized by more than his usual vigour of development. He opened to the House the very complicated and difficult case on the part of the New Zealand Company. That speech was followed by the Under Secretary for the Colonies, denying the imputations cast upon the Department of which he is a member, in the course of that statement. That was followed by various speeches from hon. Gentlemen; by the hon. Baronet the Member for the University of Oxford, who addressed the House, in reply to certain attacks made by my hon. and learned Friend (Mr. Buller) upon the missionaries in the New Zealand Islands; by the hon. and gallant Member for Westminster, who denied (in a tone and temper which, while disagreeing with many of his statements, I greatly admired) the charges made against the conduct of his absent and gallant Friend Captain Fitzroy. But the gallant Captain, in the course of his speech, having made another attack on the conduct of the New Zealand Company, that was followed by another defence. Then followed the speech of the hon. Member for Liverpool, stating his opinion as to what ought to have been the conduct of the Government on the original formation of this Settlement. But, Sir, it will be obvious to the House that all these speeches had reference more to the past conduct of the different parties implicated, than any tendency to enlighten this House with respect to the policy hereafter intended to be pursued upon this great and important matter. I shall consume but little of the time of the House by going back again into any of the details which have been so much discussed before. But with respect to the past, I think I may state that in the course of pretty nearly forty years' experience of the Colonial Administration of this Empire, I have never seen a case in which there appears to me to have been, since the commencement of these transactions, so little foresight, so little system, so little common sense, as that displayed by the Colonial Government in the case of New Zealand. I was one of an association of gentlemen invited by my lamented Friend Lord Durham to consider the expediency of opening a communication with the islands of New Zealand. Application was made to the Crown for protection to that undertaking. I met on one occasion only the gentlemen who had so associated together, and I subscribed my share of money necessary for the undertaking; but having ascertained that it was impossible to obtain protection from the Government—even a Charter of Justice—I withdrew immediately from the undertaking, not desiring to be responsible for carrying into a remote wilderness, without any protection and control of law, settlers from this country, who, under the circumstances, would have had neither security for property or person. I have had no transaction with the New Zealand Company further than as having received back (what I never expected) the money advanced on the first undertaking. Beyond that I know nothing of its concerns or of its deliberations. I agree with my noble Friend (Lord Howick) who addressed the

House last night, in thinking that it would be impossible to concur in the Resolution of this House, approving of the first expedition of settlers to New Zealand under the protection of the New Zealand Company. I think it was wrong, both in those who sent these people to the New Zealand islands, and in the Government having permitted them to go there, to found a settlement in a savage country, without either the protection or the control of the law. But having said that, I, with my noble Friend, am equally satisfied that the New Zealand Company have rendered a great and important service to the interests of this country. Without their interposition, without their industry, and without their energy, this Colony would undoubtedly have been lost to this country. It was one of those cases in which the pressure from without has promoted the public interests, when the Government are rightly slow to determine and slow to act—because always bound to act with caution and circumspection. But there we are! The Company have sent out emigrants to New Zealand. We have done various acts relative to the government of that country; and I think it was the duty of the authorities, as soon as they had decided on recognising the settlement of those islands, to have taken measures to render that settlement as little irksome to the natives and as advantageous to the emigrants from this country as possible. But what has followed? It is impossible to describe the want of system and of foresight which has characterized the whole of these proceedings. Instead of the Government doing its utmost to reconcile these three conflicting parties in that country—for there are three parties —the New Zealand Company, the missionaries, and the natives — instead of seeking to reconcile these parties, it has been throughout, as it appears to me, the policy of the Government, and of its authorities in the Colony, to set them one against the other; to array the New Zealand Company against the missionaries, and the missionaries against the Company, and the natives against both. Thus the Government has added to the confusion and complication in which the affairs of New Zealand were involved, and has done everything in its power to defeat the ends and object of this great measure of colonization. With respect to the important question of the right of property in the land of these islands, really, while listening to the discussions that have taken place on the subject, one felt a doubt whether he was sitting in an assembly of reasonable gentlemen. The various points, of what estates belonged to the chiefs, what to their savage dependants, and what to missionaries, former settlers, and these companies, purchased from them for the consideration of a little rum and tobacco, fire-arms and Jews' harps, have been gravely mooted to us. Why has not the policy adopted on all similar occasions by civilized states taking possession of new countries for the purposes of colonization and settlement—followed in every case of cession or conquest of old Colonies, in the cases of Canada, the French, Spanish, and Dutch West Indian and other Colonies — been acted on in this? In all these cases, land actually in possession, and in the use and enjoyment either of aborigines or settlers, has been secured to them on the titles on which they previously possessed it, or has been confirmed to them by new titles; and the waste and vacant land has become the property of the Crown. The principle may have been applied under various qualifications and modifications necessary in each peculiar case, but it has been the univeral rule of civilized nations. Is it not, in fact, according to reason and common sense, and to every analogy, the principle implied, if not directly expressed, in this famous Treaty of Waitangi? But supposing a different construction to be placed on it by the casuists of the Colonial Office, and their fit representatives in New Zealand, they are bound to give us an explicit statement of their version of the Treaty, and as soon as possible to correct the blunders and to clear away the doubts in which their negotiators have involved it. The hon. Member for the University of Oxford has defended with his usual ability and authority the case of the missionaries, vindicating, as became his Christian feelings and character, the conduct they had pursued in these islands. I believe them to have been eminently useful in their calling, and to have acted since their first establishment among the islanders with zeal and efficiency in promotion of the doctrines of their creed. At the same time they ought to have kept clear of the imputations on their disinterestedness, and abstinence from mere worldly considerations, which have been cast upon them in

this debate, and the transactions with the natives which have involved them in disputes relative to claims and titles to land. But, in dealing with this case, the obvious policy would have been to have made such fair compromises with all parties having acquired titles before the Treaty as might have satisfied the justice of the case; repudiating immoderate claims on the one hand, and either allowing the purchasers to take a reasonable portion of their purchases, or giving them compensation for it in lands more conveniently situated for the general benefit of the Colony; on the other, limiting the grants according to the means of the parties, for their settlement and improvement. I give no opinion as to the extent to which this ought to have been done; but a prudent and intelligent Governor, if the discretion had been given to him, would have had no difficulty in reconciling a reasonable arrangement on the subject to the general feeling of the settlers, which would not have supported the pretensions of speculators, known under the name of "land-sharks," in all newly settled countries. Every such grant, when determined upon, should have been confirmed by a deed from the Crown, to put an end for ever to what are called in America "Indian titles," and, I suppose, by some analogous name in New Zealand. This is what you must come to at last. The only question seems to be, whether you will do it directly and honestly, or through the persecuting machinery of your Land Commissioners' Office on the one hand, and some further and disgraceful extinction of the disputed claims of the poor savages under a doubtul construction of the articles of your Treaty on the other? Whatever construction you put on the Treaty, the result must be the same. The natives can only retain what is required for their use and enjoyment, and that should be most liberally conceded and secured to them. The remainder must be brought under the dominion of civilized man. Why not declare this openly, as the course equally dictated by justice and by policy, and for the quiet and advantage of both parties? Must you wait till, to repair and supply the faults and omissions in your Treaty, you go through the farce of a solemn negotiation with the natives for the purchase of all land not described as reserved to them, in consideration of another supply of tobacco, blankets, and Jews' harps? What was ceded to the Crown with the sovereignty of these islands? My noble Friend the Member for the city of London has rightly construed the Sovereignty to include, as in all other cases, land not occupied for use and enjoyment. What portion of the 50,000,000 or 60,000,000 of available acres said to be in this country are in the use and enjoyment, or are necessary for the use and enjoyment of 100,000 to 120,000 natives, not requiring territory for the purposes of the chase? We have an analogous case in Canada, where large Indian reserves were kept between the cultivated districts, and beyond them, but where no doubt ever existed with respect to the right of the Crown to dispose of the remainder of the land. The New Zealand Company appear to have suggested an excellent principle on this subject, with reference to the mere agricultural habits of the natives of these islands, securing to them a participation in the ultimate advantages of settlement and improvement. But, Sir, whatever is or ought to be the policy of this country on these points, the first question I entreat the right hon. Gentleman opposite to answer us, before we go on with this debate, is the construction put upon this Treaty, not according to the lights of the Colonial Office, or the pettifogging authorities in the Colony, but by Her Majesty's Government, and with reference to their future intentions? It is clear they put a different construction on it from that of my noble Friend the late Secretary for the Colonies. What are their qualifications of, and differences from that construction? What land do they think the natives—those deriving titles under them previous to the Treaty—or the Crown—relatively entitled to, in the whole soil of New Zealand? I mean, of course, on principle, not in detail. Are they really of opinion that it will be still necessary, under the provisions of the Treaty, to repair any omission with respect to the rights of the Crown to all waste land, by practising upon the ignorance of the natives, to obtain for delusory compensation, or by some equally base device, a further and more complete cession? The next question I ask is, what you intend to do with the New Zealand Company, and the settlers who have established themselves under their auspices? In what manner do you intend to quiet and satisfy their rights and expectations, both with

respect to property and institutions? You cannot allow matters to remain in their present state, or subject to misunderstood and capricious instructions, and the execution of them by such men as you have hitherto entrusted with the administration of affairs in the Colony. Ruin will in that case fast follow the despair in which the last accounts left the colonists. With reference to the question of institutions, it will be well the House should be informed as to the legal authority under which the Colony is now governed and taxes raised in it. I have endeavoured in vain to ascertain this. There is no Act of Parliament relating directly to New Zealand. By the Acts of the 3rd and 4th of Victoria, power is given to the authorities in New South Wales for the government of what are called dependencies of the Colony. New Zealand was, I believe, formerly called one of these dependencies. But how has that character of dependency been altered by Captain Hobson's declaration of her Independence before these Acts, and by the Treaty of Waitangi subsequent to them? I throw out rather than insist upon these points, as interfering with an authority resting solely on the Acts I have referred to. My right hon. Friend (Sir James Graham) shakes his head, and says they are not responsible for the acts of a previous Administration. Sir, it is not so much with reference to who is to blame for the past, but to those who are responsible for the future, that I ask these questions? What are to be your future institutions? Our old habits and associations with respect to Colonial Government have been completely lost sight of subsequent to the Quebec Act. Since that time we have only learnt to maintain in conquered Colonies the French, Spanish, and Dutch institutions we found there, and to establish Penal Colonies, the administration of all of which has been conducted by Orders in Council, giving power to absolute authorities to levy taxes, and execute the laws in force, by Treaty, or sanctioned by the Colonial Office, without reference to popular control and opinion. Is it intended, as has heretofore been the case—for your Council is a mere mockery—to persevere in this system with your new Colony of New Zealand? It would be better, Sir, as far as the interests of this country are concerned, to allow the missionaries and the natives to reassume their divided empire. Much has been said of the conduct of Captain Fitzroy. I do not join in all the censure that has been cast upon that gallant Officer. It is true, that several of the acts of his Administration, especially with respect to his financial system, his issue of paper money, his remission of custom dues, and imposition of property taxes, are very unintelligible and strange, as emanating from a gentleman who, beyond his professional knowledge, had some experience on these subjects as a Member of this House; but the difficulties with which he was surrounded on all sides, and his published and reserved instructions irreconcilable with each other, preventing the possibility of a good understanding with the settlers and the Company, and his utter want of resources, must always be considered in reference to his share of responsibility in these transactions. Whatever blame may be justly imputable to him, it must be admitted that no other Governor could have succeeded under similar circumstances. His successor, were he an angel, will fail with the same instructions, and in attempting to carry on an absolute Administration under the direction of the Colonial Office. The reputation of Captain Grey, certainly points him out as a fit person to be the successor; but, again, the difficulty arises of his not having had the benefit of oral communication with the Government at home, after these discussions, and carrying out with him some settlement of the disputes between the Colonial Office and the New Zealand Company. What are you to do with the Company? Settle their claims on the principle of the reasonable compromise made with them by my noble Friend the Member for London? Reassure their colonists by indemnity for the past, rescuing them from the insolent and irritating aggression and interference with their affairs by your Colonial officials, and securing them from the violence and excited passions of the natives—the consequence of your weakness and inconsistency? With all its faults the New Zealand Company has done inestimable good. I do not agree with the hon. Member who gave us such promise, by his speech the other night, of future efficiency in this House (Mr. Barkly), that it would be expedient to purchase their rights and interest, and dissolve the Company. In the first place, that would be an expensive operation; in the next, it

would deprive the country of a most useful agent in the further progress of a Colony which they have had the glory of founding. Without their interposition and energy, it would have been lost to us in the first instance; without their assistance and agency there may be much difficulty in the encouragement and direction of further emigration. But, for God's sake, tell them distinctly what you mean to do with them —what is to be their present and ultimate condition as landholders—what engagements they may make, with assurance of their being able to perform them, with persons now willing to join their settlements. Do not quarrel with them about prices of land or profits. No people embark in such speculations without a view to profit, or persevere in them after all hope of it is destroyed. Every encouragement ought to be given to them consistent with reason and right principle, for upon their co-operation mainly depends the future success of this great experiment. Where are you to find a substitute, if by perseverance in the same captious and irritating spirit which has hitherto marked your communications with them, you drive them to throw up their undertaking in despair? Before reverting to the subject of future institutions, I would endeavour to awaken my hon. Friend the Member for Montrose (Mr. Hume), to the commercial considerations connected with these transactions. There was some revenue in this infant Colony, and it might have been sustained if the measures of Captain Fitzroy, aided by the complete destruction of the industrial pursuits of the settlers, had not combined utterly to annihilate it. One of the greatest hardships imposed upon Captain Fitzroy, was sending him to maintain a host of hungry, and, in many instances, useless officials, with an inadequate exchequer. But the exchequer is now absolutely empty—the Colony is in debt for a large issue of paper, resorted to to supply former deficiencies, and without the means of raising a shilling for current expenditure. How do you propose to deal with this state of things? You may impose direct taxes on all your subjects, civilized and savage, as you please, but where are the means to pay them? The first revenue came from the capital of the first emigrants. Certainly, the profits from its employment, checked and destroyed as that employment has subsequently been by your quarrels and interferences, has hitherto yielded no sources of taxation. Are they likely immediately to improve? Do you expect that the sum asked for on this head in the Miscellaneous Estimates of this Session, will be adequate either to provide for the existing deficiency, or the service of the current year? The House should have before them an estimate on both heads in detail, so that, before voting money, we should know what price we have to pay for your past folly and its consequences. Then comes the military expenditure. You have announced that a regiment is on its way to the island. Take into calculation the extraordinary expenses connected with your military force now there and on its way, the ordnance for barracks and buildings, the Commissariat for supplies, the coast of your troops, the debt already incurred, and your civil establishment, and we shall be well off if the expense for this year comes within 100,000*l*. It is full time that my hon. Friend (Mr. Hume) should look to this new demand on our Exchequer. Now, Sir, to revert to the question of institutions. Do you intend to persevere in the system of governing New Zealand from the Colonial Office, or as a Penal Settlement? I am glad to see the right hon. Gentleman at the head of the Government in his place, [Sir Robert Peel had just come into the House,] and I repeat these questions to him. Do you intend to extend to these settlers the right of British subjects of taxing themselves, and of controlling the public expenditure? Are they to have municipal and representative institutions? Are you to continue your Administration under the powers granted by the 3rd and 4th of Victoria for the Government of New South Wales and its Dependencies, considering New Zealand one of these dependencies; or are you to bring in a Bill providing a separate Government for this new and independent Colony? The two cases most nearly resembling the establishment of our settlers in New Zealand, and brought under discussion in later times, are those of the wood-cutters, as they were called, in the Bay of Honduras, and of the proprietary Government of the Hudson's Bay Company. You left the wood-cutters in the Bay of Honduras to manage their own affairs, levy their own taxes, appoint their magistrates and executive officers, and conduct the administration of justice, for many years under the nominal control of the Governor

of Jamaica, appointing merely a Superintendent to command the military protection you sent them, and to see that no measures were taken contrary to the general principles of your law and regulations respecting trade. Till questions arising from the state of slavery made interference on that point necessary, the administration was conducted satisfactory to the colonists and their connexions in this country, and without expense or trouble to the Government at home. Troubles occurred some years ago in the Hudson's Bay Territory. The Colonial Administration of that day, acting with discretion and temper, brought about a compromise of differences between rival parties, limited their interference to the arrangement, and confined in the hands of that Proprietary the self-government of their own affairs, and of the immense region over which their authority extends; and you have had no appeal since, either for legislative measures, or money, or military assistance to control the native tribes, and secure the lives and properties of your subjects in the country. And when I mention these two cases, and compare the instruments of local administration in the settlers in Honduras and Hudson's Bay with the higher class of emigrants who went to New Zealand under the auspices of the New Zealand Company, I can have no doubt that if you had acted on the same principle, and intrusted them with the management of the affairs of the infant Colony, you would have avoided the difficulties in which we are now placed. But how long is this absurd system to last? Until further reinforcements are required, beyond the regiment you are now sending to check the threatened outrages of the natives, to suppress resistance from your own subjects to a yoke rendered intolerable by petty tyranny and oppression? I do not know that I should even counsel them to submission under a continuance of the vexatious folly that has brought them and their fortunes to the brink of ruin. There is another point to which our attention should be directed. You are about to establish a great agricultural Colony, where trade and commerce will, in the first instance, be secondary considerations, except in as far as they are connected with the produce of the soil. You have admitted the natives to equal rights and privileges with your settlers, as landowners and subjects. Do you intend to transfer to New Zealand your whole code of laws relative to real estates, with the rights of primogeniture, and the various other incidents connected with it? Or do you intend, after the example of your American Colonies, to simplify this code, to make landed estate chattel property, with almost equally simple forms of conveyance? Depend upon it that a little foresight and consideration on this important subject, in the outset, will save you from much trouble and confusion in the sequel. My object in rising to address the House was principally to obtain more explicit and satisfactory information from the Government on the points to which I have adverted, than the New Zealand Company and their unfortunate settlers have been able to extract from them. If they will not give it to us we must endeavour to force it from them through the means of the Committee proposed by my hon. Friend. If something be not immediately done to repair past errors, and to restore confidence among the colonists, the case will become yearly more desperate, with additional applications for grants of public money, to enforce obedience to the capricious discretion of the Colonial Office. It is scarcely possible to speak with temper of the weak and inconsistent measures of that Department from the very outset of their transactions. The only lucid interval in their management appears to have been when my noble Friend the Member for the city of London held the seals. He dealt with this strange Treaty of Waitangi, and with the concerns of the New Zealand Company, according to the plain rules of common sense, making the best settlement on the whole which the circumstances of the case at the moment permitted, and with which the Company was perfectly satisfied. The Committee of this House concurred with him in opinion as to the prudence and expediency of the arrangement. All this confusion appears to have been created because the noble Lord, now Secretary for the Colonies, must differ from everybody, and quarrel with the decisions of calmer and more prudent men. Nobody values more than I do the high and chivalrous character, and the great talents of my noble Friend; but I must be excused for saying, that in this instance at least, he seems to have wanted the temper requisite to enable him, setting aside other men's conclusions, to have arrived at a reason-

able one of his own. The tone of his correspondence, even of his latest letters, shows a spirit of irritation and controversy, unsuited to the successful execution of the arduous duties imposed upon him. It is no defence for indulgence in such a spirit that the letters from this ill-fated Company and their devoted settlers were written in a tone of soreness, rather to be accounted for by their disappointments, than justified by respect for the high authority to whom they were addressed. The right hon. Gentleman opposite has some knowledge of the forbearance with the appeals of interest, of prejudice, of disappointment, and even of passion, necessary in reconciling men to decisions contrary to their own views and feelings; and how often that forbearance is even successful in leading men to sounder opinions and conclusions. There is no difficulty, and less merit, in governing reasonable men. Of all offices under the Crown, the Colonial Office is the one requiring the greatest patience, moderation, and forbearance, in dealing with the various classes of men subject to its power. The duties of that Department are more onerous than those of any other, and require no aggravation from want of these essential qualifications. It is difficult to understand how one individual, however gifted, can cope with them. When my noble Friend the Member for London consulted me, before adding the labours of this Department to his other responsibilities in the late Government, I begged him to consider how far some change in the Department, or constitution of a board to assist in part of the duties, might not diminish the weight of the undertaking. I thought then, as I think now, that such a board might clear the way of the Secretary of State in legislative and judicial business, and in examining cases of complaint sent home from the Colonies, without interfering with, or in the least encroaching upon, the authority and free action of the Minister solely responsible for the policy and conduct of the Colonial Administration. But if cases like this of New Zealand are multiplied, and added to the business of the other Colonies, what Hercules can be found to undertake the labours of this Department? If the noble Lord had made use of, rather than made war upon, the New Zealand Company, and if he had given explicit instructions to Captain Fitzroy to carry into full effect, as they expected, the agreement between his predecessor and the Directors, he might have saved himself from this additional embarrassment. Sir, I shall vote for the Committee proposed by my hon. Friend, without pledging myself to the Resolutions of which he has given notice, if he should carry his Motion. My object in doing so will be rather to prevent further mischief, and to enter into the consideration of what may be for the future welfare and benefit of the Colony, than to prolong a discussion on the miserable and wretched policy which has brought its affairs to the present crisis. I see an hon. Gentleman, the Secretary to the Treasury, prepared to follow me in the debate, with the intention, I have no doubt, of entering into a defence of the Colonial Office, and the part taken by the friends of the Government in the Committee of last Session. I think the time of the House might be better employed in listening to the answers of the responsible Ministers of the Crown to the questions I have put to them, respecting the future intentions of the Government towards the settlers, the Company, and the Colony, and on the important matters of finance, institutions, and legislation. These are now the more material subjects for the consideration of this House; and I have no doubt that a deep sympathy in the misfortunes of our fellow countrymen, and an anxious desire to rescue them from the unnecessary and unmerited trials to which they have been exposed, will prevail with it in going into a Committee with my hon. Friend, for their redress and relief.

Mr. *Cardwell*, although he could not acquiesce in the justice of the right hon. Gentleman's proposition to abstain from the defence of the Colonial Office, and of the noble Lord whose conduct had been so bitterly and, as he thought, so unjustly impugned, yet he was satisfied that the interests of our fellow countrymen, the settlers in New Zealand, and the destiny of those other subjects of the Crown, the aborigines, with whom our colonizing tendencies were throwing us into closer contact, constituted, in the eyes of the House, and of that people whom the House represented, the chief importance of this discussion. To those interests and to that destiny, he would, therefore, address his observations. But how were they to legislate for the future? Must they not of necesssity review the history

of the past, and consider the posture of affairs at present? The noble Lord the Member for Sunderland (Lord Howick), in the Report of the Committee, stated with truth that the unsettled state of the land-claims was at the root of the whole difficulty. Now, he believed that all the claims for land had been settled, or were in course of amicable and speedy adjustment, with a single exception, and that exception was the claim of the New Zealand Company. The cases which had been settled amounted to several hundreds, and those which had presented any difficulty had been about one in every hundred. But the claim which could not be settled rested on a title, as was alleged, different from any other in the Colony; for whilst others rested on a confirmatory grant from the Crown, the New Zealand Company claimed an absolute and unconditional grant. That claim was based on the agreement made by the noble Lord (Lord John Russell) in the year 1840. To a great extent the Committee of last year confirmed the view taken by the Company: they engrafted upon it, in the 5th Resolution, a limitation or exception, to which the House would be enabled hereafter to assign its due importance. But he admitted that, to a great extent, the Report of the noble Lord and of the Committee supported and sustained the view of the Company. The noble Lord deduced his conclusions from certain principles of colonization for which he contended as the true ones, and to which he referred as laid down in a speech of Sir George Gipps. How far these principles might be rightly laid down, as applicable to countries which became the property of the Crown by virtue of discovery, it was not necessary for him now to inquire. If he showed, from past events, that such was not the mode in which the Crown acquired the sovereignty of New Zealand, and that to that Colony it was impossible those principles should apply, he destroyed the basis on which the Report was founded, and overturned the conclusions which it sought to establish. Now he held in his hand a letter of the 18th of March, 1840, addressed, by direction of the noble Lord the Member for the city of London, to the noble Lord the then Secretary of State for Foreign Affairs (Lord Palmerston), in which the claim of Great Britain to New Zealand was denied, and the sovereignty of those islands acknowledged:—

"In the preceding letter (Mr. Somes to Lord Palmerston, 7th November, 1839), the right of Great Britain to sovereignty over New Zealand is maintained on various grounds, which it is unnecessary for the purposes of this Paper to controvert, or even to notice. The answers which would be made by Foreign Nations to such a claim are two:—first, that the British Statute Book has, in the present century, in three distinct enactments, declared that New Zealand is not a part of the British dominions: and, secondly, that King William IV., made the most public, solemn, and authentic declaration which it was possible to make, that New Zealand was a substantive and independent State. . . . . If these solemn acts of the Parliament and of the King of Great Britain are not enough to show that the pretension made by this Company on behalf of Her Majesty is unfounded, it might still further be repelled by a minute narrative of all the relations between New Zealand and the adjacent British Colonies, and especially by the judicial decisions of the Superior Courts of those Colonies. It is presumed, however, that after the preceding statement, it would be superfluous to accumulate arguments of that nature, and the rather because they could not be intelligibly stated without entering into long and tedious details."

After the candid manner in which the noble Lord the Member for Sunderland had admitted his share of the indiscretions which characterized our conduct in the early history of these proceedings—he did not state it by way of taunt, but it was a fact that when the noble Lord occupied the station now filled by his hon. Friend (Mr. Hope), with that knowledge to which the noble Lord had referred, that these New Zealand chiefs were in the habit of butchering their slaves that their heads might be preserved as curiosities in the cabinets of Europe—with that knowledge the Government of that day did formally recognise the sovereignty aud the independence of those very chiefs; and this acknowledgment was part of the inheritance which Lord Stanley had received from his predecessors. After this acknowledgment, we had sent a British Resident to New Zealand as to an independent nation. We gave them a flag; we fired a royal salute to it; we received an address claiming his late Majesty as the Protector of the Islands of New Zealand. Such were the facts of the case; and so were they recited in the letter addressed by direction of the noble Lord the Member for London, to his noble Colleague the Member for Tiverton, to be the guide and standard of his communication with the Powers of Europe. Next, he held a

letter written on the 21st of May, 1839, by the right hon. Gentleman the Member for Taunton (Mr. Labouchere); and that letter, to say the least, was not inconsistent with Lord Stanley's views. Then, on the 22nd of June, 1839, there was a Treasury Minute, with a letter, that certain provisions being strictly complied with, Mr. Hobson might obtain a cession from the chiefs, and if he did obtain a cession, he was to assume the title of Lieutenant Governor of New Zealand:—

"My Lords deem it necessary to suggest that the annexation of any part of that territory to the Government of New South Wales, and the exercise of the powers it is intended to confide to the Governor and Council of New South Wales, or to the officer about to proceed to New Zealand in the capacity of Lieutenant Governor, or any assumption of authority beyond that attaching to a British Consulate, should be strictly contingent upon the indispensable preliminary of the territorial cession having been obtained by amicable negotiation with, and free concurrence of, the native chiefs."

The Marquess of Normanby gave minute instructions as to the mode of proceeding for gaining possession of New Zealand; he said, on the 14th August, 1839—

"The acquisition of land by the Crown for the future settlement of British subjects must be confined to such districts as the natives could alienate without distress or inconvenience to themselves."

The noble Lord the Member for Sunderland (Lord Howick) said, that these instructions were not sufficiently precise. That was not the fault found by the New Zealand Company; on the contrary, they said they—

—"always looked on Lord Normanby's letter as based on a very anomalous contradictory theory;" they had been "familiarised with great and sudden changes in the policy of Her Majesty's Government with respect to New Zealand," and they "inferred that Lord John Russell had abandoned Lord Normanby's notions."

And again in a recent letter—

"It is impossible to reconcile the missionary system with that of the Company. In every respect they go on opposite principles. . . . . The Treaty of Waitangi went on what we have called the missionary principle. Lord John Russell adopted what may be called the colonizing principle in his agreement and other proceedings with the Company."

They had a right to conclude that the noble Lord (Lord J. Russell) departed from the hasty and impracticable views of Lord Normanby, and that he abandoned the missionary system. Why had they a right to conclude so? Because those views and that system were inconsistent with the agreement that he made with the Company. They were inconsistent with the construction which the Company put, and which the Company contend the noble Lord put, upon that agreement. Well, then, what became of that construction, if he should show that so far from departing from those views, the noble Lord reasserted them *eo nomine*: that so far from abandoning that system, he enjoined it as the first and most important of those measures which he laid down for the guidance of the Governor. What became of the favourable pre-eminence which the noble Lord the Member for Sunderland had ascribed to the noble Lord's Administration—of the lucid interval of which the right hon. Gentleman (Mr. Ellice) had spoken? He could show that the noble Lord the Member for London did repeat the instructions of Lord Normanby, using his very name. In writing to Captain Hobson on 9th December, 1840, he gave a long account of his views; he declared that the people had made some progress in the arts, that they had usages partaking of the character of prescription, that they had been recognised by Great Britain as an independent State, and that the acknowledged principle was, that our title rested on the deliberate cession by the chiefs on behalf of the people at large:—

"The aborigines of New Zealand will, I am convinced, be the objects of your constant solicitude, as certainly there is no subject connected with New Zealand which the Queen and every class of Her Majesty's subjects in this kingdom regard with more settled and earnest anxiety. . . . . Yet amongst the many barbarous tribes with which our extended Colonial Empire brings us into contact in different parts of the globe, there are none whose claims on the protection of the British Crown rest on grounds stronger than those of the New Zealanders. They are not mere wanderers over an extended surface in search of a precarious subsistence; nor tribes of hunters, or of herdsmen; but a people amongst whom the arts of government have made some progress; who have established by their own customs a division and appropriation of the soil; who are not without some measure of agricultural skill, and a certain subordination of ranks; with usages having the character and authority of law. In addition to this, they have been

formally recognised by Great Britain as an independent State; and even in assuming the dominion of the country this principle was acknowledged, for it is on the deliberate act and cession of the chiefs, on behalf of the people at large, that our title rests. Nor should it ever be forgotten that large bodies of the New Zealanders have been instructed by the zeal of our missionaries in the Christian faith. . . . Indeed, the dread of exposing any part of the human race to a danger so formidable has been shown by the Marquess of Normanby, in his original instructions to you, to have been the motive which dissuaded the occupation of New Zealand by the British Government, until the irresistible course of events had rendered the establishment of a legitimate authority there indispensable. Amongst the practical measures which you can adopt or encourage for the protection of the aborigines, the most important are the support of the missions and the missionaries."

He then went into a long description of what had been done by "the" missionaries who had got the Treaty signed for us, and thanked them for the acts by which our title was obtained. He added, in another part of the same letter, that—

"The sale and settlement of waste lands are the next of the general topics to which I propose to advert in this despatch. The Marquess of Normanby has anticipated and provided for the great and peculiar difficulty by which the regular colonization of New Zealand was impeded. I refer, of course, to the large claims advanced by persons in virtue of contracts or grants said to have been made by the native chiefs. In my present want of information as to the measures which may have been taken to give effect to his instructions, I can state merely that Her Majesty's Government perceive no reason for receding from them."

On the 4th of March, 1840, the noble Lord directed another letter to Mr. J. Thompson, in which he said, that by a series of acts the sovereignty had been acknowledged by Great Britain, and that no Charter could be granted till Captain Hobson had obtained a cession:—

"*Downing Street, March* 4, 1840.

"Sir—I am directed by Lord John Russell to acknowledge the receipt of your letter of the 26th ultimo, enclosing for his Lordship's consideration a prospectus of the proposed New Zealand Agricultural, Commercial and Banking Company, and inviting his Lordship's opinion of the extent to which the objects and intended operations of the Company are likely to meet with the sanction of Her Majesty's Government. I have his Lordship's directions to acquaint you, in reply, that as, by a series of Acts of Parliament, as well as by the measures formerly taken by the Executive Government in this country, the sovereignty of Great Britain over New Zealand is expressly disavowed, the Queen cannot be advised to grant any such Charter of Incorporation as that which you propose at present; nor can the expediency of issuing such a Charter at all be decided until Her Majesty's Government shall be in possession of a report from Captain Hobson of the result of the endeavours he has been instructed to make, to obtain a cession in sovereignty to the Queen, either of the whole of the islands of New Zealand, or of such parts of them as may be found best adapted for the formation of a British Colony."

Then in chronological order came the Treaty of Waitangi, dated the 6th of February, 1840; and he must remind the House, that by the First Article it secured to the natives the forests and fisheries which they individually or collectively possessed, and that by the Second the right of pre-emption was given to the Crown. Now it was evident that the guarantee in the First Article was correlative to the right of pre-emption in the Second. Whatever it was to which the right of pre-emption extended, that was also the subject matter of the guarantee. And what was the right of pre-emption? Not the right of buying lands actually enjoyed and occupied; for those lands the natives were expressly prohibited to sell. It was, then, other lands than those in actual occupation and enjoyment; and, by necessary force of consequence, to lands other than those in actual occupation and enjoyment, must the guarantee be deemed to extend. But the noble Lord the Member for Sunderland had said it was impossible the noble Lord (Lord John Russell) or Sir George Gipps could have understood it in that sense. With great submission, he contended it was impossible that either the one or the other could have understood it otherwise. It was through Sir George Gipps that Captain Hobson transmitted to the noble Lord the Treaty itself, and the description of that remarkable debate at the conclusion of which the Treaty was signed. In that debate, the taking of land was, from the beginning to the end, the subject of discussion. Revewah said—

"Send the men away: do not sign the paper; if you do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed."

And then Neni, than whose appearance

Captain Hobson said nothing could have been more seasonable, answered—

"You must be our father. You must not allow us to become slaves. You must preserve our customs, and never permit our lands to be wrested from us."

And it was not until Mr. Williams had satisfied them that the land would not be taken, that the Treaty was signed. Whether that Treaty was wise or unwise—whether it was or was not part of a "series of injudicious proceedings"—on that Treaty our title to New Zealand had been rested. These were the circumstances under which the Treaty was signed, as communicated by Captain Hobson to the noble Lord through Sir George Gipps; and he said it was not fair to them to say they did not understand it in that sense. But was there no direct evidence of the sense in which they understood it? In October, 1840, Sir George Gipps had occasion to communicate his opinions to Dr. Evans and two other gentlemen, who went over to Sydney as deputies from this very settlement of Port Nicholson. And these were the words of Sir George Gipps:—

"Should any question arise as to the extinction of the native title to the lands comprehended within the settlement of 110,000 acres, the same principles must be applied to the solution of them. The Government has hitherto assumed, and is still willing to assume, that the native title has been fairly extinguished; but the Government must reserve to itself the right of inquiring into and redressing any injury that may be proved to have been committed; and this is the more necessary, as the Government was in no way a party in the purchase of their lands, and as His Excellency is not even, at the present moment, informed what has been paid for them."

Sir George Gipps appointed Commissioners expressly to make inquiries into the title and claims to land; and what were the instructions given by the noble Lord to Sir George Gipps? The other side had been so bold as to represent the noble Lord as making two inconsistent agreements within a short period of each other. The celebrated agreement was signed on the 18th November, and on the 21st November, the noble Lord wrote as follows to Sir George Gipps:—

"I have received your despatch of the 29th of May last, transmitting a copy of the address with which you opened the Session of the Legislative Council of New South Wales, and in which you stated that a Bill, to empower the Governor of New South Wales to appoint Commissioners to examine and report on claims to grants of land in New Zealand, would be proposed for the consideration of that body. I transmit to you, herewith, copies of a correspondence which has passed between this Department and the gentlemen associated under the name of the 'New Zealand Company,' with regard to the rights which may have been acquired by the Company, and the terms on which their corporate existence would be sanctioned by Her Majesty's Government. You will defer the execution of any powers that may be given to you by the Bill above alluded to, should it pass into a law, until you shall receive further instructions from me on the subject."

And then he added this remarkable sentence—

"You will understand, however, that it is not my intention to abandon the plan of instituting a Commission to inquire into the titles or claims to land in New Zealand; but that, on the contrary, I fully intend to carry it into execution; and that I write the present instructions in order that means may be taken for executing it with the greater accuracy, as well as acknowledged impartiality. For this purpose, I shall probably find it necessary to send out a Commissioner from this country."

There was, therefore, no alteration in the intention of the noble Lord, excepting that he intended to send out a Commissioner. How did the noble Lord understand the agreement? Could any one who had read those documents, have any doubt as to the construction which the noble Lord put upon the agreement? A Mr. Beecham wrote to the noble Lord for his view, who, in reply, stated (before the agreement) that the Government had never recognised the New Zealand Company, nor acknowledged the validity of their title to any land in New Zealand; but, on the contrary, had instructed the Governor of New South Wales and Captain Hobson to take the necessary measures for ascertaining the validity of any titles set up by any British subjects. Was it to be assumed that the noble Lord in November bound the Government by a contract with the Company absolutely incompatible with the contract he made with other parties but a few months before? But how did the natives understand it? They were a poetical people; and they adopted this illustration in the conference in which they resolved to sign the Treaty:—

"The shadow of the land goes to Queen Victoria, but the substance remains with us."

Captain Hobson, writing to Sir George Gipps, on May the 5th, 1840, thus described one of the difficulties he expected to encounter:—

"A report prevails that a conspiracy against the Government and military exists among many of the chiefs. I will have the parties watched. If there is any truth in it, it may be ascribed to the mischievous stories circulated by low and abandoned Europeans, who try to persuade the natives that we only wait until we are strong enough, to take possession of all the land, and sell it, irrespective of the native claims."

Such were the apprehensions of Captain Hobson; and such, even at that early period, were the causes from which he feared that that great evil, the war between the races, might eventually be found to spring. But to come to the agreement itself. The Company, in one of their letters to Lord Stanley, claimed to be judged by the "four corners" of that agreement. Now, if this were the proper occasion, he would be ready to meet them on that issue. He would not fear to meet his hon. and learned Friend (Mr. Buller), —if he might be permitted to call him by that title—before any Equity Judge in England, and discuss with him the strict effect and legal bearing of that document. He would begin with the first Clause—

"It being understood that the Company have invested large sums of money in the purchase of lands in New Zealand from native chiefs and others;"—

and he would contend that that was the understanding throughout — the understanding on which the whole agreement rested. Next, he would advert to the condition requiring the Company to take their lands in that particular district; and he would contend that that condition was imposed, because there, and there alone, did the Crown assume the possession of any lands to give them. Except for this reason, it did not matter one farthing to the Colonial Office in what district the lands might be selected. He should then pass to the 11th Clause, in which they "forego all title to any lands other than those to be granted them by the Crown;" and he would urge that exception as conclusive, to show that to that part they did not forego their former title. They disclaimed the larger district; they made a special exception of that which they did not disclaim. The Company called Lord Stanley's construction "a flagrant wrong;" but no other construction was put upon it for nearly two years, when a very special and cogent reason made it convenient to displace it. On the 2nd of December, 1840 (a few days after the agreement), what said the Colonial Office? Why, that—

"With regard to lands acquired by any other title than by grants from the Crown, it was proposed to subject the titles to inquiry by a Commissioner."

The noble Lord the Member for London was not aware then of the construction which the Company had put upon it. They addressed a report to their shareholders, in which the following passage occurred:—

"They had been put, in regard to their previous purchases, on precisely the same footing as any private individual."

And that could have but one reference; it could not relate to the points in which a preference was given to the Company as a useful instrument for colonization, in not limiting them to a *maximum* of acres to be obtained, nor recognising merely the amount spent in the purchase of land. But if they were on the same footing, what a mockery it was to say so, when they omitted the only part of the case in which they were in reality upon the same footing. It was true they were on the same footing as to the 5*s.* an acre being the price to be calculated. But how was it to be calculated? All the settlers were to have exactly the same quantity which they had paid for at the rate of 5*s.* an acre. They were, however, all limited to a *maximum* of acres, which they could not exceed. But the New Zealand Company were to have an unlimited number—a number coextensive with the gross amount of their expenditure. The terms, therefore, were as different as possible. One point—the main and vital point—there was, as he contended, in which they were upon an equal footing, and that point was the point of title. Well; but how was this question understood at the time? The noble Lord appointed his Commissioner. The hon. Member for Cockermouth last night had spoken of this Commissioner as unfriendly to the Company. If he was unfriendly, what influences could have operated on his mind? He was appointed by the noble Lord when that noble Lord was full of all those generous impressions towards the Company, to which so large

a meed of praise had been attributed. The noble Lord had particularly good means of ascertaining the fitness of Mr. Spain; and the noble Lord, animated by these liberal feelings towards the Company, had given his instructions to Mr. Spain, he presumed in personal conference, for no written instructions had appeared. With these, Mr. Spain must have left this country with feelings derived from the noble Lord; and if he had become unfriendly, what sort of evidence must have addressed itself to his mind when he reached the Colony? What an estimate must he have formed of the state and proceedings of the Company! But, at all events, Mr. Spain went to New Zealand; and he understood in the same way as Lord Stanley the meaning of the Treaty and agreement, and the nature of the duties he was appointed to discharge. Was he alone in that? Colonel Wakefield, who was called by the natives "Wide-awake"—he did not say it to his disparagement—was not likely to fall into a mistake; and he wrote, on August 24, 1841—

"It is presumed that the Company has acquired a valid title from the natives to a very large territory on both sides of Cook's Strait, to which they lay claim, and to which their settlements are to be confined; a Commission is to decide on the validity of the presumed purchases from the natives by the Company. Provided always, that if any part of the said lands shall, upon due inquiry, be found not to have been validly purchased from them before the date of the alleged purchase by the Company, full compensation shall be made to the natives, or the previous purchaser, as the case may be, by the Company."

About this time also a letter was written by the Secretary of the Company to the Colonial Office on other business (September 18, 1841), and he had occasion to mention the subject of title, and spoke of the land to which Mr. Pennington's award declared the Company to be, not absolutely and unconditionally, but contingently entitled. But shortly after that, there came home a letter from Colonel Wakefield to the Directors, stating that he was proceeding with his investigation before Mr. Spain; that he saw no reason to doubt of his success; that some matters had occurred requiring compensation; that he asked authority to make it. The Directors approved of this, and placed in his hands a sum of money, which they described as considerable, and a quantity of land. Then the construction of Lord Stanley was accepted both in New Zealand and by the Company here. On the 10th of June, in the same year, in communicating with the Colonial Office, they said that certain obstacles had arisen, which they did not think would be of magnitude, and they expressed their thanks for the generous spirit which had actuated the instructions given by Lord Stanley; the House had now been told that liberality was exchanged for pertinacity when that noble Lord went to the Colonial Office, and the "lucid interval" ceased. It was in October, 1842, that the construction for which the Company now contended was brought for the first time before the notice of Lord Stanley. And under what circumstances? After the Directors had received from Colonel Wakefield the intelligence that he had admitted the legality of Mr. Spain's Court—that he had opened his case before Mr. Spain on the assumption that he was to prove his title—that he had encountered difficulties of evidence which he did not expect, and had then, and not till then, retired from the Court, protesting against its jurisdiction—it was on the receipt of this intelligence that he Company, for the first time, claimed of Lord Stanley an absolute unconditional title. But, if further explanation were necessary, Colonel Wakefield furnished that explanation; for when the Company informed him of the claim which they had made, he thus acknowledged the intelligence:—

"No circumstance has occurred since the commencement of all the operations of the Company so satisfactory to me as the remonstrance made by the Directors to Lord Stanley against the proceedings of the Commissioner of Land Claims, with respect to the Company's titles. . . The Court is not ignorant of the duties which devolved upon me in the early days of the Company's existence; of the necessity of acquiring a territory on which to locate the emigrants destined to follow me from England with so little delay, without the sanction, if not in direct opposition to the wishes, of the Government: of the difficulty in obtaining, in a limited period, a clear and indefeasible title to sufficient land to enable the Company to meet its engagements, in a country where such confusion as to proprietorship existed as I found here . . . I was not unaware of the implied understanding upon which the agreement was founded, that the title to the territory to which the Company's operations were restricted was to be the subject of investigation by a Crown Commissioner; and in this opinion I was con-

firmed by the despatch in which you, in putting a sum of money at my disposal for the purchase of the pahs and cultivations in this settlement, seem to contemplate the necessity of the extinguishment of native titles by the Company. The announcement of the intention of the Directors to claim the fulfilment of the agreement, and the extinction of native claims, holds out a hope, not lately entertained by the most sanguine well-wishers of the Company, of carrying out the large views of the Directors, by obtaining ample profits for its shareholders during the continuance of its Charter, and of the complete success of its settlements, and the realisation of the hopes which have brought so many British subjects under its auspices to these shores. . . . It will render the hitherto nominal possessions of the preliminary sectionists, selected in many instances by a late arrangement in considerable blocks, valuable estates, on which civilization will advance with rapid strides, and will, by gentle and authorized compulsion, save the aborigines, in spite of themselves, from the destruction which has overtaken all savage tribes who have lived at enmity with foreign settlers on their land."

It has been said, that the Colonial Office had not treated the Company with the respect they thought themselves entitled to. He was sorry and surprised when he heard the hon. and learned Gentleman make that statement. The Company made a demand which was thought to imply an invasion of the rights of others. But Lord Stanley made that offer which he felt bound by the circumstances to make; and by way of answering the accusations made against the noble Lord, he would read his Lordship's letter on receiving at the close of the year 1842 the new demand of the Company:—

"The Company stated on the face of the agreement that they had 'invested large sums of money in the purchase of land in New Zealand from the native chiefs and others;' and of the lands so alleged to be purchased they asked to be permitted to receive, and were promised that they should receive, a grant from Her Majesty of a specified amount, in consideration of which they surrendered to Her Majesty all title or pretence of title to the larger amount, the native claims to which they alleged themselves to have extinguished by purchase. Lord Stanley cannot now permit it to be maintained either that the natives had no proprietary rights, in the face of the Company's declaration that they had purchased those very rights, or that it is the duty of the Crown either to extinguish those rights or to set them aside in favour of the Company. The fact of the validity or the invalidity of the purchase was known to the Company, and to them alone; the assumed validity was the basis of the promised grant; and, if the facts were incorrectly stated at the time, or were incapable of proof, with the Company must rest the inconvenience and loss resulting from their own mis-statements. Nor can Lord Stanley allow the assertion that the Company's title was to be investigated exclusively by Mr. Pennington. That gentleman had, in fact, nothing to do with the title to any one acre of land. He is an accountant residing in London, to whom was delegated the single task of ascertaining the total amount of money which had been expended by the Company, and the consequent proportion of land which they were to be allowed to receive out of the 20,000,000 of acres to which they laid claim. Mr. Pennington's award could only declare that, at the rate of *5s.* per acre, the previous expenditure by the Company was equivalent to a given number of acres; and the Company were authorized to select that number out of those to which, by the hypothesis, they had established a claim by the purchase of the native title. The grant by Her Majesty of any land must be taken to be conditional upon the fact asserted by the Company, that by their previous arrangements Her Majesty had it in fact to grant; and the investigation of that question had been committed by law, with which Lord Stanley cannot interfere, not to Mr. Pennington, but to a local and legally constituted tribunal. It is the duty of that tribunal not to suffer native rights which have been recognised by Her Majesty to be set aside in favour of any body of settlers, however powerful; and Her Majesty has neither the power nor the desire to influence their decisions. Much, therefore, as Lord Stanley regrets the inconveniences which have been experienced by settlers under the Company, he cannot admit that Her Majesty's Government is the party chargeable with having occasioned those inconveniences, nor that it can justly be called on to provide the remedy for them. It is not, however, Lord Stanley's wish to leave the question in this state. His Lordship is fully alive to the great inconvenience resulting to a large body of Her Majesty's subjects from the uncertainty now hanging over titles derived from the Company in the Wellington district. This inconvenience it is his wish to remedy, by whatever means he can, consistently with justice and good faith towards others. With this view before him, Lord Stanley has anxiously considered what course he can adopt. The Company, as he understands, declare that of their power (with few exceptions) to establish good titles to the lands in question they entertain no doubt, wherever it is possible to do so, and the case requires it. What they complain of is, being called upon to establish titles which no one disputes, and to show purchases of land of which no person could be proved to be entitled to act as vendor, much of the land claimed being, according to this view, in fact, 'waste;' and they propose that the Governor

should be instructed to make grants to them of the lands selected by them, excepting only such lands as were at the date of the agreement in the 'actual occupation or enjoyment of the natives.' The probability that much of the lands may be 'waste,' as alleged, Lord Stanley sees no reason to doubt; and, so far as they may ultimately prove to be so, he is ready to put them at the disposal of the Company; he cannot, however, undertake, as proposed by you, either to override all prior titles except those of natives, or to define what constitutes a native title. On these subjects he cannot exclude inquiry on the spot; but, subject to the possibility of such inquiry, if called for, being anxious to go as far as his duty will permit, he would not object to a grant being made to the Company of a *primâ facie* title in the lands claimed."

He would ask anybody who read that correspondence, and put a fair construction upon it, whether the sense which dictated that refusal was not one of an overruling sense of duty, and whether the whole spirit of the correspondence was not the spirit of one anxiously endeavouring to find a reason for granting as much as possible of that which was asked by the Company? The hon. and learned Member had said that if the Company's letters were not couched in the most courteous terms, still it would have been the part of a statesman to overlook such personal considerations in his regard for the welfare of Her Majesty's subjects committed to his government. Lord Stanley was the statesman whom the hon. and learned Member had described. After letters that might well have roused his indignation, and when the Company had peremptorily refused his terms, he still renewed his offer. In language hypothetically addressed to his predecessor, but substantially applying to himself, the phrases "cold-blooded fraud" and "utmost imaginable amount of wrong," had been not unsparingly applied. But, in his anxiety for the welfare of the Colony, the noble Lord had overlooked every other consideration, and had carried his concessions to the Company to the utmost length to which, in his view of the engagements of the Crown to others, good faith permitted him to go. He thought, then, that in the judgment of any hon. Member to whom the correspondence was familiar, he had disposed of the first charge made against Lord Stanley, viz., that he had repudiated Lord John Russell's agreement. He now came to the other charge, viz., that he had broken his own agreement, the agreement of 1843. And this, he confessed to hon. Members opposite, constituted the most plausible part of their case. It was said that those instructions were so varied, that they did not carry out the substance of the agreement between the Company and the Government. He thought that charge had been disposed of in the debate to which it had given rise in the earlier part of the Session. He did not mean to deny the constructive responsibility of Lord Stanley for the acts of the officer who served under him; but to impute to Lord Stanley that he was actuated by improper motives, because at the other end of the earth the instructions he had sent out were not expressly followed, was not consistent with either justice or candour. In the absence of Captain Fitzroy, and without those fuller explanations which, hitherto at least, had not been received from him, he should not think it consistent with his duty to enter at all upon that part of the case. But he did assert that full instructions had been given to that officer, and the utmost anxiety had been manifested by Lord Stanley to carry out in every particular the arrangement of 1843. Let the House consider the manner in which the New Zealand Company had been treated. They had an unlimited amount of land at their disposal; they found the time was too limited, and that the agreement was inconvenient, and Lord Stanley extended the time; they found the shape of the blocks inconvenient, and they were altered; they complained of the right of pre-emption, and Captain Hobson waved it. By stretching his power to the utmost, the noble Lord gave them, or designed to give them, the title they sought to obtain. He did not presume to say how much or how little the Company was to blame. His hon. Friends who served with him on the Committee of last year would do him the justice to remember, that no part of the Resolutions which he had the honour to propose reflected on the conduct of the Company. When the noble Lord the Member for Sunderland proposed the Resolution which stood in the Report, he had suggested its omission, urging that their business was practically for the future; that they had to do with the past only for the experience it afforded, and the warnings it might suggest; and the assigning blame to the Company was therefore un-

necessary. But he thought he had said enough now to prove that the blame did not rest with Lord Stanley, and that every principle of justice called upon them to reject the present proposition. Well, then, if such was the case in respect of justice, how did it stand in respect of expediency? They were asked to go into a Committee of the whole House, for the purpose of considering Resolutions which the noble Lord who framed them said, would now, after six months' additional experience, not be applicable. If six months had rendered these inapplicable, they must still be six months behindhand in their intelligence from New Zealand if they went into Committee. Their Resolutions, if they agreed to any Resolutions, would be six months more in reaching the Colony. His hon. Friend who seconded the Motion had admitted the absurdity of fulminating abstract Resolutions at the distance of half the globe. If practical good were to be achieved for New Zealand, it must be by some other means, and not by a Committee of that House. On every ground, then, of justice and of expediency, with the greatest deference for the House, in all humility, but with the utmost earnestness, he implored them to reject the Motion.

Mr. *Mangles*: Sir, I promise the House, if they will favour me with a hearing, that I will confine myself strictly to a single branch of the large subject before us. It is not my intention to enter at all upon the general question of colonization, nor upon the wrongs which I believe that the New Zealand Company has suffered at the hands of the Colonial Office and the local Government. I propose to consider simply the policy of the Church Missionary Society and of the Government in relation to the aboriginal inhabitants of New Zealand, and the effects of that policy upon its immediate objects, in the first instance, and, through them, upon the British subjects who have emigrated to that Colony. I have advisedly placed the Church Missionary Society first, because it is the author of the policy which the Government have adopted; and I shall contrast that policy, in its principles and results, with what I believe to be the line of conduct which the British Government ought to have pursued when it took possession of New Zealand—a step the delay of which has occasioned great mischief. It is not, however, I trust, yet too late to redeem past errors, and to enter upon a course which would confer great and durable benefits upon all the parties concerned. I do not, therefore, speak for the thankless purpose of exposing irremediable evils. Indeed, I heartily wish that it were possible to discuss the subject of future policy without reference to the past. But that cannot be, because the Government is still apparently wedded to the opinions, the carrying out of which has caused so much and such fatal mischief; and because those from whom they adopted those opinions, have still, it would seem, as much influence as ever over the policy of the Colonial Office, in respect to the unhappy Colony whose affairs we are discussing. I speak, therefore, under the strong conviction that it is essential to the cause of truth, and to the welfare of every class of persons in New Zealand, but especially of the Aborigines, that the whole question of past mismanagement should be probed to the bottom. It is greatly to the honour of the Church Missionary Society that it has been engaged for thirty years in the noble work of conveying the glad tidings of Christianity to the aborigines of New Zealand. This good work, conceived in the spirit of the most disinterested charity, has been carried out with much energy, and has been blessed with great success. I have every reason to wish the Society God-speed in this labour of love, because I have long been connected with it, and was for several years a member of the Committee which managed its extensive operations in Northern India. I mention this to show that I am not likely to drag that respected body unnecessarily before the House and the public, or to speak even of what I conceive to be its errors in a hostile or scoffing spirit. But the local missionaries and the Society at home are so much mixed up with the whole history of New Zealand; they have taken so decided a line in respect to what may be called, for brevity, the land question, and the general relations of the aborigines with the local Government and with the colonists; the Colonial Office and the local Government have so uniformily acted upon their views in relation to these matters; and these views are, in my judgment, to so great a degree the cause of all the mischief which has already befallen the Colony of New Zealand, whilst

still worse mischief, from the same source, appears to be in store for the future, that it would be dishonest, as well as absurd, to leave the Church Missionary Society out of a discussion, for which, probably, without their interposition, occasion would never have been given. But whether the views of the Church Missionary Society be right or wrong, it is absolutely necessary, after all that has passed, and with so much danger in prospect, that they should be strictly examined. If the line of policy recommended by that Society in relation to the aborigines be wise and proper, let its views continue to govern the measures of Her Majesty's Government. If, on the other hand, as I am persuaded, that policy was conceived in error, has already generated great mischief, and is sure to lead to still more fatal results, let it be at once and for ever abandoned. I desire to examine this question in the most candid spirit; being convinced, not only that the inquiry is indispensable, but that the establishment of sound principles cannot fail to further those beneficent objects to which I know that the Church Missionary Society looks with a single eye. About the first steps taken by that Society there can be no difference of opinion among those who wish well to their fellow creatures. It sent its missionaries to New Zealand, and those devoted men entered upon their labours in the most populous part of those islands, at a time when the boldest seamen engaged in the South Sea Fisheries, and even the most desperate convicts escaped from the adjacent Penal Settlements, dreaded to approach shores inhabited by so savage and bloodthirsty a race. Several vessels had been cut off by the aborigines, and they in turn had been visited by the vengeance or wronged by the wanton cruelty of the white man. Mutual injuries had inflamed the passions of both parties. The missionaries boldly entered upon this dangerous field, with no protection but the moral panoply of their holy vocation, and the fatherly care of that Great Being in whose service they were engaged. Their courage and constancy were blessed with signal success; and it is not a little remarkable that the very extent of their peaceful triumphs occasioned the first check to their progress. Their precepts and examples humanized the ferocious aborigines, and thus rendered New Zealand a safe and tempting place of sojourn for fugitives and outcasts from the Australian Colonies, and for the equally lawless crews of the vessels which trade or whale among the islands of the South Seas. A few more respectable persons visited the scene of the missionaries' labours, principally on their way home from Sydney; and their reports of the beauty, fertility, and other natural advantages of New Zealand, of the greatly-improved condition of the native population, and of the ruin which the uncontrolled influx of the most dissolute and desperate Europeans was bringing upon them, first directed to those islands the attention of the advocates of systematic colonization. It was at this crisis that the Church Missionary Society made its first false step—a step which has led, I believe, to all the disastrous consequences which we have now to lament. Up to this point, its path, however difficult and dangerous, had been straight and plain to the perception of benevolence. But the question was no longer one of simple duty; it had become entangled with considerations of policy, upon which enlightened statesmen were alone competent to decide. It is no discredit to the Church Missionary Society to say that it was not in a position to take a large and comprehensive view either of the necessities of the case, or of the general and enduring interests of the people, to whom its missionaries stood in the relation of guardians. In consequence, they earnestly protested against the colonization of New Zealand, on the ground, partly, indeed, of the injustice, as they urged, of appropriating to British settlers any portion of the soil, the whole of which belonged to the native tribes; but chiefly because the influx of colonists would be ruinous to the grand experiment—then, as they alleged, in the most successful progress, of first converting to Christianity, and then civilizing, a noble race of aborigines—would infallibly tend to demoralize and degrade the native character, and must result, as in North America, Southern Africa, and elsewhere, in the extinction of the race. It was maintained that the natives, aided by the counsel of the missionaries, were able to govern themselves; that their independence had been formally recognised by the British Resident, and ratified by the Government; that they had established a congress of chiefs, and selected a national flag; that Christianity and civilization were advancing

hand in hand; and that matters were generally in so satisfactory a train, that if but the ingress of British colonists were prevented, nothing was necessary but to leave well alone in order to the happiest consummation. I am compelled to state, that, according to the best judgment which a long and careful investigation of the subject has enabled me to form, this attractive picture represented rather the sanguine hopes and wishes of the Church Missionary Society, than the real facts of the case. The efforts of that body had baffled for several years the attempts of the advocates of colonization to found regular settlements on the shores of New Zealand; but they had not been able to prevent the large resort of Europeans to those islands. These men, generally of the most abandoned character, and many of them runaway convicts from New South Wales, brought with them all the vices, and one of the most dreadful diseases of Europe, of the effects of which upon the entire population, one of the witnesses examined by the Committee of the House of Lords, in 1838, Mr. Watkins, a surgeon, drew a frightful picture. Nor, though the influence of the missionaries—an influence acquired by the most legitimate means—was always exerted on the side of peace and righteousness and good order, could they succeed in counteracting, to any sufficient extent, the warlike ferocity of the principal tribes. On the contrary, Hongi, a chief of the neighbourhood of the Bay of Islands, who accompanied the Rev. Mr. Kendall to England in 1820, appears to have undertaken this long and tedious voyage for the sole purpose of possessing himself of a large supply of muskets and gunpowder. Having gained his object in this respect, he attacked the neighbouring tribes with the most ruthless barbarity, actually exterminating, it is said, those dwelling on the river Thames. The series of wars, extending over several years, and embracing the whole of the Northern island and the Middle island as far as Otago, to which Hongi's ambitious projects gave rise, are stated to have caused the loss of many thousand lives; the prisoners, including women and children, were often killed and eaten; there was great mortality, from various causes, among those reduced to slavery; and one tribe, harassed beyond endurance by its more powerful enemies, actually hired a vessel and emigrated in a body to the Chatham Islands. In these savage wars the abandoned white men living with the several tribes, lent their aid, in one way or other, to their native allies. Some supplied them with arms and ammunition, receiving payment in land; others took an active part in battle. Thus, in 1830, one Stewart hired his vessel to take Raupero (one of the principals in the Wairao massacre) on an errand of revenge to the Middle island; on which occasion the chief of the local tribe was first kidnapped, and then the whole population, amounting to 2,000 or 3,000 souls, either killed, taken prisoners, or driven into exile. One white savage killed many of the victims with his own hand; and the ship's coppers are stated to have been used for cooking the cannibal feasts of the conquerors. The evidence taken by the Committee of the House of Lords in 1838, and the Reports of the Resident, Mr. Busby, substantiated the following facts beyond all question:—that the influx of Europeans of the most abandoned character was rapidly increasing; that Mr. Busby had no power to prevent them from coming, or to control them when there; that, encouraged by numbers and impunity, these ruffians were daily becoming more audacious and mischievous; and that, from various causes, from war, from disease, from infanticide, and the like, the native race was wasting away to an extent that threatened its speedy extinction. Upon this latter point, admitted even by the missionaries, Mr. Busby's despatch of the 16th of June, 1837, is conclusive. He says:—

"In this way, district after district has become void of its inhabitants; and the population is, even now, but a remnant of what it was in the memory of some European residents."

My hon. Friend the Member for Liskeard, who quoted this passage, omitted to state that this account of the rapid extinction of the native race applied to that part of the country in which the influence of the missionaries was at that time paramount. In illustration of the social condition of the New Zealanders at this period, I will trouble the House with but one anecdote, which was related to me six or seven years ago, by Mr. Pryce, son of Captain Pryce, R.N. Mr. Pryce was in charge of a boat belonging to a merchant ship, on the shore of the Bay of Islands, and saw there a chief pacing the beach in a state of violent excitement,

waiting, as my informant afterwards heard, for one of his wives or slave women, who had gone on board a ship without his leave. When the unhappy woman landed, her brutal master stepped up to her, struck her down senseless, without a word spoken, by a single blow of his stone hatchet, instantly ripped open her bosom, tore out her still palpitating heart, crunched it between his teeth, then spit it out, and trampled it under his feet! Now, Sir, I am not so absurd, so wicked, as to say that the missionaries were the cause of the frightful state of things which I have feebly depicted. But they took place in spite of them; and, in spite of these horrors, the Church Missionary Society strained its influence to the utmost to prevent the establishment of a British Government, to which every other person acquainted with the circumstances of the case, looked, as the only possible cure for the evils which afflicted and were fast depopulating New Zealand. For it is to be observed, that no one person, in 1838, expressed an opinion that things had come to the worst, or could say that he saw any symptoms of improvement. Even the Church Missionary Society, although earnestly protesting against the establishment of a British Government, because they saw that it would necessarily involve colonization, could not fail to perceive that the moral power of the missionaries was no longer sufficient to cope with the great evils of the state of things which was growing up around them. Accordingly, Mr. Dandeson Coates, the Secretary and organ of the Society, propounded to the Committee of the House of Lords a plan for the establishment of a jurisdiction and the administration of justice in New Zealand, of which the main features were the constant residence in these islands of a Diplomatic Agent of the British Government (of such high moral and intellectual qualifications, that any person possessing them would fill with honour the first office under the Crown); the fixing of two courts of justice upon islands in the Bay of Islands and Cook's Strait, respectively; and the constant presence of one or even two vessels of war. The native chiefs were to perform the duties of police. These means were to be provided for the administration of the laws, in respect to British subjects only, the independence and absolute jurisdiction of the native chiefs being on no account to be interfered with. And no provision was made for the expense of these large establishments, which being rendered necessary by the sojourn of British subjects in New Zealand, Great Britain, it was said, was bound to bear. I have laid the outlines of this project before the House, in order to show the wild schemes to which these parties were driven, who objected to the establishment of a British Government, and yet could not but see that to allow matters to take their own course must inevitably lead to anarchy, and ensure the destruction of the whole native race. I am not sure, indeed, whether the Church Missionary Society saw the whole of this dismal prospect. Mr. Coates certainly did not. But every one not connected with the Society did, as well as some of the missionaries, and even the natives themselves. For Mr. Flatt, a Church missionary, stated to the Committee of the House of Lords that the natives had told him that they wished for protection, and that not against the white settlers only, because they put the wish on the ground that if they were left to themselves, they should destroy each other. But, speaking generally, the Church Missionary Society was prepared to brave all the evils and dangers of the existing state of things, rather than submit to the establishment of a British Government and regular colonization. Mr. Coates knew that he could not keep out the lawless settler, and that that class was daily becoming more numerous and formidable. But he would not see that the only efficient way to control the bad is to let in a preponderating number of those whose feelings and interests are arrayed on the side of peace and order, and to give to those principles the strength of an organized Government. Strangely enough, knowing what the lawless settlers were, he thought that regular colonists under a British Government would do greater injury to the aborigines. He thought especially that their conversion would be hindered, or that those who had embraced Christianity would be perverted, by being brought into contact with a body of British colonists fresh from this country. I do not think so ill of the morals or religion of my fellow countrymen. But I have some advantage over Mr. Dandeson Coates in this matter. I know by personal experience what new converts from heathenism are, and how little likely they are to suffer

treated the natives with the most injudicious indulgence, have humoured their passions and prejudices, and have truckled to their violence. They have treated them, in short, as spoiled children are treated by the weakest parents, to the injury of all persons concerned, but to the certain ruin of the unhappy objects of such blind and foolish affection. On the other hand, I am persuaded that the real interest of the aborigines requires that they should be governed as wise parents govern their children; and we all know that to such a government the enforcement of prompt submission to lawful authority, till such submission becomes a habit, is the indispensable first step. Till the natives of New Zealand are brought to acknowledge practically that they are the subjects of the Queen, and to pay implicit obedience to her laws, wisely modified to suit their particular condition, all indulgence, however well intended, is, in my judgment, purely mischievous. Till this be done, the very basis of all sound social education is absolutely wanting. And those who have treated them, and wish to continue to treat them, in truth, whatever they may profess or really feel, like spoiled children, are their worst enemies. For the evil day, the day of correctional discipline, the day of enforcing obedience, must come at last, and its bitterness will be in exact proportion to its postponement. When the more violent and intractable chiefs have cut down some more of Her Majesty's flags, wrecked more houses, pillaged or burnt more crops, outraged greater numbers of our fellow countrymen, and massacred some scores more of British subjects —to say nothing of the pitched battles which they fight among themselves—even the Colonial Office will think that it is time for the Queen's Government to bestir itself. And then it will cost a sanguinary struggle, resulting in the animosities and heartburnings of years, to do that which a resolute and well-supported assertion of authority would probably have effected, without exciting resistance, if we had wisely begun at the beginning. There is no cruelty equal to that of a pampering kindness. Humble as is the position which I hold in this House, I know something of the means by which distant nations, differing from us in colour, in language, in manners, and in religion, and many classes of which, a hundred times more numerous, are to the full as bold and warlike and well armed as the New Zealanders, are governed—well and easily governed—by a handful of Englishmen. In India, matters are managed by taking precisely the opposite course to that which the Colonial Office has taken in New Zealand. Authority is entrusted to competent hands, not to such men as Governors Hobson, Shortland, and Fitzroy have proved themselves to be. We respect and protect individuals, encourage and aid the missionaries, but we do not take lessons in government from them. Still less do we recognise claims like those which they asserted to Mr. Busby, for "a defined and specific share in the government "of the country." We begin by enforcing authority; and never, first or last, allow impunity to crime, or call weakness of purpose and moral cowardice, indulgence. We never, for example, omit to provide for our own defence, and the maintenance of good order, by raising a military force, for fear that the turbulent and disaffected should take offence at the precaution. Why, Sir, to say nothing of British subjects, when a nominally independent Prince hired an assassin to murder Mr. William Fraser (the man shot my poor friend dead), the Government of Lord Metcalfe brought both the parties to trial, and hung them both, both being Mussulmans, at Delhi, still the head quarters of the Mahomedan population. In short, Sir, we do whatsoever the three successive Governors of New Zealand have left undone, and leave undone all that they have done. Let hon. Gentlemen, if their imagination can carry them such a flight, picture to themselves British India governed for five weeks as unhappy New Zealand has been governed for five years. This is beyond my powers of fancy: I content myself with imagining what my noble Friend Lord Metcalfe, one of the most benevolent of men, would have said and done, if the Governor of Madras or Bombay had reported that two tribes had fought a pitched battle within a few miles of his capital, and that he had neither attempted to prevent the conflict, nor to call the combatants to account. Sir, those who take a different view of the matter may say that the policy which I recommend has not been tried in New Zealand, and if tried, might not succeed. My answer is, that it has fully succeeded elsewhere, and that the only alternative —their plan—has had ample trial in New

Zealand, and has signally failed. Just look at the state of affairs at the northern end of the island where the New Zealand Company—the one great cause of all evil elsewhere—has not intermeddled in the slightest degree. There the missionaries and the Government have done what seemed best to them, without let or hindrance from anybody. There, at least, the Treaty of Waitangi has been scrupulously observed. Well, has this policy, with the freest field for its development, borne good fruit? Are the aborigines contented, happy, on cordial terms with the British settlers, well affected to the indulgent Government? So far from it, that the state of things round the seat of Government was at the date of the last despatches, and for months previously, ten times worse than it was in Cook's Strait. So long ago as the time of Governor Shortland, two tribes, with their respective allies, fought a pitched battle at Manganui, north of the Bay of Islands, in consequence of a dispute about land which one chief had sold to the Government, and another to private individuals. About five or six thousand men were present, and fifty were killed, including, it is said, fifteen considerable chiefs. The Queen's Government quietly submitted to this insult, without any effort, as far as I am aware, to vindicate Her Majesty's authority and laws. The hon. Gentleman the Under Secretary stated, that battle was not about a land title. It was about nothing else. Matters have been getting worse and worse every day. The chief, John Heki, insulted and robbed the settlers at Russell, and cut down Her Majesty's flag. The Governor summoned him, he refused to come; he was tried by proxy, fined, and the fine returned to those who paid it for him. He has shown his grateful sense of this indulgent treatment by cutting the flag down twice more, giving notice that he is going to Auckland in a few months, for the same loyal purpose. Mr. Busby, good authority upon such a point, accounts for the matter in the following terms, in his letter to Mr. Under-Secretary Hope, dated the 17th of January last:—

"From an intimate knowledge of the character and conduct of John Heki during the last eleven years, as well as from the sentiments he has more than once expressed to myself, I have no hesitation in affirming that the act of cutting down the flagstaff was a premeditated act of defiance and rebellion against the Government; and though I am inclined to hope that few of the chiefs in the northern part of New Zealand would be parties to such an act, yet I am firmly persuaded that the majority, if not the whole of the natives, participate in the distrust and disaffection of which that proceeding is an evidence."

But lest there should be any doubt on the subject, Governor Fitzroy has given his own testimony in respect to the disposition of the natives in the vicinity of Auckland towards the White settlers. It was urged upon him, during a debate in the Legislative Council, on his budget, that he ought to compel the settlers to abandon their life of idleness in the town, and to betake themselves to industry in the bush, by reducing the expenditure of the Government.

"The honourable Member" (Dr. Martin), (replied the Governor, and apparently he thought it a perfectly satisfactory answer) "seemed desirous that he should, in imitation of Governor Grey, drive the people from the town into the bush. Did he (Dr. Martin) not know the bush was not prepared for them; that there was no safety for them, and no food?"

Such has been the happy effect of a strict adherence to the policy prescribed by the missionaries in the immediate vicinity of the seat of Government. Even the Treaty of Waitangi, held to be so stringently binding upon Her Majesty, with a construction infinitely larger than that contemplated by the Government to which Captain Hobson, its framer, was subject, has been twice relaxed in favour of the natives, or rather of the great landsharking interests. The Treaty records that the chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate. This provision, essential to the real interests of all parties, but especially of the aborigines, has been set aside to gratify their shortsighted cupidity, and to give another day of license to the land-sharks. Any man can now purchase direct from the natives, on payment to the Government of a fee of a penny per acre; and all the land in New Zealand the great fund from which so much benefit might have been derived to both races, is once more at the mercy of the greedy. Add to this so-called indulgence, that all custom duties have been abolished, solely to gratify the aborigines. Again, I ask, has the result been happy?

So far from it, that the native chiefs have immediately entered with redoubled vigour upon a fresh career of violence and plunder, and long ere this, doubtless, there has been bloody collision. Quitting other matters, which my reluctance to trespass longer on the House, compels me to pass by, I come to a subject which I approach with unaffected pain and reluctance. I refer, of course, to the claims of land, on the ground of purchases from the natives, put forward by persons connected with the Church Missionary Society. The whole amount claimed by all the persons who were in the employment of the Church Missionary Society in 1837, is 185,233 acres, including 3,900 acres for Church missionary families, but not including 11,607 acres for the Society itself; so that the aggregate is 196,840 acres. There are, moreover, ten claims put forward by Church missionaries, in which the amount of land is not stated, which may be small, but which may be as large as the largest; and several parties appear as claimants to the aggregate extent of 38,790 acres, respecting whom it is not certain whether they are Church missionaries, or the children of Church missionaries. I believe that they are. Now, let me say, in the first place, with such plainness as may afford no room for misconstruction, that I impute no further blame to the Church Missionary Society as a body, than that it has failed to maintain a sufficiently strict control over the administration of its own affairs by those to whom it has committed them, and has not taken decided steps to vindicate its character. Secondly, I will say with the utmost sincerity, that I am sure there is no person connected with the Society in this country who has the smallest selfish interest in upholding or defending abuses in New Zealand. Further, I am bound to say frankly, that I think that the Church missionaries in New Zealand, having families growing up around them, with no means of sending them home even for education, still less of settling them in life elsewhere than in New Zealand, were justified in purchasing from the natives a reasonable quantity of land to enable their sons to maintain themselves by agriculture, which indeed, under the circumstances of the case, must be almost their only resource. And I think that the limit fixed by the committee of the Church Missionary Society in 1830, of 200 acres for each child, on attaining the age of fifteen, is a reasonable amount. But I must speak my opinions with equal frankness in respect to other and less pleasing views of the question. In the first place, it is clear that the missionaries have purchased from the natives, to whom they stood in the sacred relation of guardians, far more land than was sufficient to satisfy their legitimate wants. It is equally clear that, though still defended in the most uncompromising manner by Mr. Coates, they have altogether disregarded the plain injunctions of the Society. They were never authorised to buy any land for themselves. They have bought scores of thousands of acres. They were directed to refer the nature and extent of the purchase for their children in each case to the Committee in this country for their sanction. This requisition is dated in July, 1830; yet, in 1838, Mr. Flatt's evidence before the House of Lords, mentioning some only of the purchases made by the missionaries, took Mr. Coates altogether by surprise. He said, that he could scarcely believe it. He said, that the missionaries, when they speak of purchases of land, speak of small quantities only. He said, too, that he believed it would be proved, that the purchases made by the missionaries in their own names had been made

—"at least to a considerable extent, as trustees for the natives, to rescue them from being prevailed upon to alienate their lands to Europeans of a different class."

Mr. Garrett, another committee-man of the Church Missionary Society, examined by the Lords in 1838, is still more explicit. He is asked—

"If the missionaries have made large purchases, has it been in violation of the orders and instructions they have received?—Contrary to the spirit of the orders they have received, that is, quite contrary to the views of the Society. Their only object in permitting them to have land is, that they should have just enough to supply their own wants, and to provide for their children."

It now turns out that whilst the missionaries were keeping the Society at home altogether in the dark, or writing for permission to make petty purchases for their children, under the Society's resolutions of July, 1830, they were acquiring enormous tracts for themselves so quietly, that Mr. Coates could not believe it when he was told of it. As soon, too, as a Commission

of Land Claims was opened, the plea of purchase in trust for the natives was heard of no more. The claims were advanced by the individual missionaries or catechists for their own benefit, without qualification or reserve. Yet Mr. Coates is in no wise daunted. He changes his position with remarkable courage. What was quite incredible in 1838, is all right in 1845. That the missionaries claim the land for themselves is now undeniable; but they are not even blamed for having concealed the possession of it for so many years—in some instances, since 1825. They have many pleas of justification. Their families are large; the land is bad; "less favourable for agriculture than was supposed." Then, in New South Wales, the Government formerly made very large grants "in analogous cases." Two only of the missionaries have more land than this precedent justifies; they have rendered great service to the natives, and Governor Fitzroy has allowed them an additional two hundred acres for each son. The excuses pleaded in exculpation are miserable—no other term will properly describe them. The missionaries' families are large: no one would object to their multiplying the two hundred acres allowed by the Society by the number of their children. But, on the rule laid down, Mr. Clarke's claim (not one of the largest) would serve for twenty-seven children; the Rev. Mr. Taylor's for two hundred and fifty. The land is not bad; all accounts concur in representing its wonderful general fertility. Mr. Flatt speaks of having passed over fifty miles of fine rich soil, near the river Thames, with not an acre cultivated. He states, that he examined Mr. Fairburn's purchase, which he says was called "a whole county," and found it to be "a very rich soil." The colonists of Cook's Strait find many hundreds, nay thousands, of acres of good land in blocks; and the sons of noblemen, and of the first gentlemen in the land, who have emigrated thither, have been content in every instance, I believe, with a few hundred acres. There is no analogy whatever, even if profusion in one case were an excuse for cupidity in another, between the fertile valleys of New Zealand (part of Mr. Fairburn's purchase was a valuable timber district), and the parched and barren sheep-walks of New South Wales. Sir, I have by no means exhausted this part of my subject. I could show that the opinions which I hold in respect to the misconduct of the Church missionaries, in possessing themselves of such enormous tracts of land, and to the effects of that misconduct in the cause of religion, I hold in common with men—clergymen of the Church of England—of the highest character. But the length of time during which I have already trespassed on the indulgence of the House warns me to forbear; and whilst I heartily thank them for that indulgence, I will not further abuse it.

Mr. *Colquhoun:* In one respect I perfectly agree with the hon. Gentleman who has just sat down—that in no Colony ought either missionaries or ecclesiastics to have any part in its political government. But when I find that every Colonial Minister, from Lord Glenelg to the noble Lord who now holds the Seals of Office, however various their sentiments, all agree in acknowledging the services which have been rendered by the missionaries to the social condition of New Zealand, I must consider this as ample testimony that the censure cast upon them by the hon. Gentleman is unfounded; and that they have not allowed themselves to be seduced from their proper sphere into one with which they have no concern. I have read, Sir, with great care, the voluminous evidence presented both last year and in former years, upon the state of New Zealand; and the conclusion to which I have been forced by these documents is, that the condition of that Colony is not satisfactory. I pass by, for the present, the form of the Motion submitted by the hon. and learned Gentleman. I take the practical question raised by him to be this:—Is the Colony of New Zealand at present in such a state as that Parliament ought to regard it with satisfaction? Or are there circumstances in its condition so grave and urgent, that it becomes necessary for this House to claim the prompt interposition of Government, and to require that the policy pursued towards it should be either modified or changed? I do not agree with the hon. Member for Guildford, that the Colonial Office is, either now, or in past times, so weakly administered as to be swayed by any external influences which can be brought to bear on it; I do not believe that Mr. Coates, whose name I mention with the utmost respect, can exercise any unbecoming power over the Colonial Administration. Does any Gen-

tleman believe, that he did so when the noble Lord the Member for London was Secretary for the Colonies? I attribute the same independent conduct to the noble Lord who now holds the Seals of Office. The fault, if there be any, rests, not with the individuals who have been blamed, but with our system. On this subject, I must speak my mind with frankness, and aloof from the prejudices of party. I have looked through the Colonial despatches for a long series of years. I have had access, of which I have taken advantage, to the opinions and information of parties having a personal stake in several of our Colonies. Both sources have led me to this opinion, that there has been no period during the last quarter of a century in which the affairs of the Colonial Department have been conducted with greater vigour, higher administrative wisdom and justice, than during the administration of the noble Lord the Member for London. It is the essence of our Colonial system, that the Secretary of State is in his administration supreme. What he does, he does unchecked by public opinion; as public opinion here is, in Colonial matters, little interested; and the public opinion of the Colonies, as expressed in their newspapers, is in general so distorted by passion, and so marked by exaggeration, that it rather revolts than attracts sympathy. The despotism, therefore, of a Secretary of State is practically unchecked; and I admit that if we are to have a despotism, I am not sure that we could find one better fitted for such power than the noble Lord opposite, when, at least, he acts from his own judgment, and does not consult the extreme opinions of his party. He possesses great talents, a judgment clear, prompt, and undisturbed by passion; a will which is inflexible; an eye quick to discern the evil; a genius ready to apply the remedy. If there is to be uncontrolled power, I do not know where you will find a better depository. But I say—and I would beg to impress this upon the House—that you ought not to found a system of Government on the rare combination of singular qualities in the person of one man. This is no safe basis for administration; and, therefore, I conjure the House, and I urge on the Government, to consider and devise for our Colonial Government an effectual reform. Compare the administration of your Colonies with the government of your Indian Empire; how different their history! You may denounce the one as an anomaly; you may say that it is wrong that a company of merchants, or a society of shareholders, should influence the Government of a mighty Empire. Anomalous in theory, look how it works in practice. A Colonial body, interested by the best of all ties, their own personal interest, in the prosperity of India, sitting in London, receiving information from the most qualified parties who have spent part of their lives in the East, adopting these into their counsel, checking the Government, and yet checked by them. This balanced system has given the millions of that Empire a wise and tolerant administration. This system, or some such system, must be applied to your Colonies, if you would impart confidence to the Colonists, stability and wisdom to their administration. I beg pardon for having introduced these general topics—I turn from them to the special question before the House. One fact meets me at the outset—that after the lapse of many years, the colonists connected with the New Zealand Company are still excluded from the possession of land. How long is this to continue? I do not inquire into the manner in which that land was purchased; I do not ask—for that does not seem to me material—what views were formerly entertained by the noble Lord the Member for London; views still, perhaps, retained by the present Secretary for the Colonies. The practical question is this:—Can we see men for five years excluded from the possession of the soil, without which they can obtain no return for their capital, or the means of employing labour? Can we see, without calling on the Government and the House to devise a remedy? I wish to adopt no party view, but to regard the matter in the light of common sense. Some end should surely be put to this condition of things. I would much rather that this question, instead of coming before the House, had found its solution out of the House—that some arrangement had been made between the Colonial Office and the New Zealand Company. But, as the question is now placed before us, if I am called upon to say, whether I regard the condition of New Zealand as satisfactory, I am bound to confess that I think it is not. It appears to me full of alarm, involving very serious results, unless the Government in-

terpose. That is the aspect of the land question; but there are other matters equally urgent. Have there been disorders in New Zealand? Is it the fact that there have been outrages unpunished, turbulence unrepressed? How have these been checked? By a compromise between the Government and the disturbers of the peace. Do I blame Captain Fitzroy for this? He has his defence. This course was necessary from the weakness of the Government. I admit it. It is that necessity which alarms me. This is a question with which the New Zealand Company have no concern. It affects the Colony at large. If this weakness arises from a want of funds, then I pray the Colonial Office to come to Parliament, and seek increased resources. If they want force, let them ask for additional force. But when I find Captain Fitzroy going to a Colony with a force which he proclaims to be inadequate—when I see him finding there a revenue of 20,000*l.*, and this revenue now reduced to one-half, whilst the expenditure amounts to 35,000*l.* a year, I ask, whether that is not a case for the interposition of Government? These are matters not to be thrown on Captain Fitzroy, for him to find a solution of them in the Colony; these ought to be decided and solved by the Government at home. These are my views upon the condition of New Zealand. I regard it as eminently unsatisfactory. But I cannot adopt the Resolutions of the hon. and learned Member for Liskeard. If the hon. Member had simply moved to go into Committee, I should have found it impossible to refuse him my support; but when he proposes to go there, in order to adopt Resolutions from many of which I dissent, I feel that it is impossible for me to vote for his Motion. The prominent view which pervades the Resolutions of the hon. and learned Member is, that all the waste lands of New Zealand belong to the Crown. He is prepared to affirm that proposition; I am not. Whether it is sound or not in itself, I do not say; I do not think it consistent with the stipulation of the Treaty of Waitangi. The hon. Member proposes to state, that we have sustained great inconvenience by that Treaty, and that it was inexpedient. It may be so—we made it—we are bound by it; but no one can persuade me, that in spite of the Treaty of Waitangi, and respecting all its provisions, we cannot find some mode of acquiring land, which will supply the wants of the colonists. If the Government applied itself with earnestness to this object, I am sure they would accomplish it; but let them tell us what directions they have given—what course they have suggested to the new Governor. On this point, there can be no difference of opinion—that continued speculation in land is ruinous to the interests of all parties. No friend of the natives would desire to see them turning their energies in this direction, and endeavouring to gain from the land inordinate sums, which they would lavish in excess. What we must desire for them is, to see them directed to habits of patient industry, and that steady application to agriculture, which are indispensable to raise their character, and their position in the social scale. All this might be effected, and this long pending question might be settled, without violating the Treaty of Waitangi. To a proposition which assails it, I cannot give my consent; it might extricate you from an immediate embarrassment; it would involve your Colonial Empire in the greatest difficulties. For upon what does that Empire rest? Confidence in your justice—the honesty of your Government. I see before me three Colonial systems, each of which has the patronage of great nations. There is the Colonial system of the United States, which deals with the native as you deal with a beast of prey; drives him out in the progress of civilization; hunts him down when he resists; starves, corrupts, and at last destroys him. There is the Dutch system of colonization—less cruel, but harsh and stern—which treats the native, not as a beast of prey, but as a beast of burden; makes him toil for the colonist; heaps labour upon his shoulders; and never seeks to civilize and elevate him. There is, again, the French system—smart, flippant, ambitious of conquest—grasping at fresh dominion; seeking for glory to France; indifferent to the welfare of the native: such we find it in Algiers and Tahiti—and what are its results? To make the Colony a battle-field, and the limits of the camp the limits of safety; to arm against the colonist the indomitable passions of the native, whom he has wronged. These are systems full of instruction; but for warning, not for example. I trust the character of England will never be tarnished by their adoption.

Yet we should lean towards them, if we adopted the propositions of the hon. and learned Member for Liskeard. He has described the natives of New Zealand as savage and ferocious cannibals; others, I think with greater truth, have described them as courageous, but full of sagacity, fit objects for the mild influences of civilization. But be they what they are, with them we have made a Treaty, sanctioned by the faith of the British Crown, and which ought to be binding on the honour of the British Parliament. If we were to say to them, "We put aside the Treaty we have made; we see your waste lands, we wish to acquire them; we will take them, not by fair bargain, and amicable adjustment, but by a violent seizure, founded on a general theory of national policy—a theory which the hon. and learned Member ably expounded, but which my hon. Friend the Member for the University of Oxford has triumphantly exposed—if we were to take that general theory, and present it to the warlike population of the islands of the Pacific, I can conceive no more serious danger, no greater blow to the quiet progress of English colonization, no deeper injury to the national character. The Treaty may be unwise—we are bound to adhere to it; if the population of New Zealand is small, we ought to adhere to it; if they had been strong, they would have forced us to observe it; if they are weak, our sense of honour ought to impose upon us an equal obligation. But while I refuse to adopt the proposition of the hon. and learned Member, I appeal to the Government to tell us—not in ingenious arguments, such as those which the Under Secretary of the Colonies and the Secretary of the Treasury have used to defend what is past—but that they mean to modify and amend the system for the future. That is now the practical point; and I ask the right hon. Baronet at the head of the Government to announce, for the benefit of all our Colonies, for the benefit of the New Zealand natives no less than of the colonists, that the policy hitherto pursued on this grave question is about to undergo a decisive change; to tell them in what that change is to consist; and to leave it to the House in their deliberate judgment to decide whether that change is one which will be satisfactory, and will afford a just solution of this embroiled question.

Mr. *Sheil:* Sir, although the Papers are exceedingly voluminous respecting the matters which have led to the unhappy controversy between the New Zealand Company and the noble Lord, to whom the right hon. Gentleman has committed the Government of our Colonial Empire, I think the facts are few and simple on which the real merits of the question depend. On the 18th November, 1840, nine months after the Treaty of Waitangi, and when the Government had full cognizance of the stipulations contained in that Treaty, an agreement was entered into by the New Zealand Company with my noble Friend the then Secretary for the Colonies, who has not only the highest talent for debate, but is a statesman, cool, cautious, and just. That agreement stated a most important fact—that the Company were in possession of 1,000,000 of acres; that they had made a great outlay; that large sums had been expended in freighting and chartering ships for the purpose of emigration, and in the accumulation of stores for the support of the settlers upon their arrival, and in the erection of public buildings, and in other works adapted for a large and prosperous community. These appear in the very head and front of the agreement—no one has controverted their truth. Lord John Russell appointed Mr. Pennington, an accountant, for the purpose of ascertaining what had been the outlay of the Company. It had been agreed that for every pound expended by the Company for the benefit of the Colony, they should receive four acres of land in return. The agreement was, upon one side, that as soon as Mr. Pennington had made his award, the quantity of land to which it should appear by that award that the Company was entitled, should be conveyed by the Crown to the Company. That agreement is unambiguous. A question has been raised with respect to the meaning of the Treaty of Waitangi; but no question can be raised with respect to the contract entered into between the Government and the New Zealand Company in 1840. In 1844, Mr. Somes, one of the most important members of the New Zealand Company, called upon my noble Friend to give an explanation of that agreement, and my noble Friend adopted the explanation given by the Company; and I do not find that Lord Stanley has ever insisted upon a different explanation from the Company. That contract having been entered into,

plain sense puts to common justice this question—has that agreement ever been fulfilled? Are men who laid out hundreds of thousands of pounds—who laid the foundation of a great Colony—who expended vast sums—constructed great public works—to receive nothing in return? What have they received? Nothing—not an acre. That is a fact, which no intrepidity of asseveration can venture to controvert, no skill in sophistry can elude; and had the New Zealand Company had nothing else to rely upon, I confess that I should think that their case would have been complete. Lord John Russell sent instructions to the Governor of New Zealand to carry that agreement into effect. I cannot conceive a case stronger than that which I have mentioned—an original agreement deliberately made—after, observe, the Treaty of Waitangi—ratified by the Government. My noble Friend left office, Lord Stanley came in, and it was no very great surprise to any one that the noble Lord came at once into conflict with the New Zealand Company. They called upon him to fulfil that contract; they entreated, they expostulated, they remonstrated in vain. In the midst of the unhappy altercation which arose between the Government and the Company, my hon. Friend the Member for Cockermouth (Mr. Aglionby), finding that all chance of justice at the Colonial Office was at an end, applied to the House of Commons. Let the House and country mark what took place. My hon. Friend moved for a Committee. It was obvious that the masses of documentary evidence, the Treaty, the instructions, the despatches, the agreements, could never be thoroughly examined by the House. The Government affected to court inquiry. The Committee was named by the Government, and was composed of five Whigs and—what shall I call them?—ten Conservatives. Among the latter were the Under Secretary for the Colonies, the Secretary for the Treasury, Lord Jocelyn, and Lord Francis Egerton. A Committee more favourable to Lord Stanley could not have been appointed. The case was thoroughly investigated. Every point which was urged by the Under Secretary for the Colonies was strenuously insisted on; the Colonial Office put forth all its strength; and a gentleman, who has since been made Financial Secretary of the Treasury, exerted himself to the utmost in the defence of the Government with which he has been since associated. I do not believe that it will be contended that the case was not thoroughly investigated. The Committee had before them the entire of the documents—the Treaty of Waitangi—the mass of Papers under which the Table of the House of Commons groans. Witnesses were examined, and it was proved that there were millions upon millions of acres in New Zealand upon which the vestige of a human foot could not be traced. After most laborious, most minute, and, I am justified surely in saying, a most impartial inquiry, to what conclusion did this Committee, containing so large a majority—two to one—of your supporters—arrive? To the conclusion to which my hon. Friend invites the House to come—they reported against the Government. My Lord Stanley, in his commentaries upon that Report, says that the Committee were not unanimous—that the Resolutions were carried by a narrow majority. When I saw that statement made by Lord Stanley, I looked to the division upon the subject. I find that on the Resolution most strongly condemning the conduct of Lord Stanley, there voted against him my hon. Friend the Member for Pontefract (Mr. Milnes), the habitual supporter of, and not only useful but ornamental to the Government. I find that the accomplished gentleman who was elected by the Government to move the Address at the commencement of this Session (Mr. Charteris) voted against my Lord Stanley. I find my Lord Jocelyn, an Irishman, who, I am sure, in this investigation must have remembered that my Lord Stanley was once Secretary for Ireland, voted against my Lord Stanley. But, though last in enumeration, first in account, I find that Lord Francis Egerton, a man of great rank, of the very highest position in this country, of great talents, of indisputable worth, of whose services the country is deprived, for a cause which all of us concur in lamenting—I find that Lord Francis Egerton voted against my Lord Stanley. Nay, more; not contented with voting against my Lord Stanley, Lord Francis Egerton was the man who moved as an Amendment a Clause most strongly condemnatory of the noble Lord. Mark the words:—

"That the acknowledgment by the local Authorities of a right of property on the part of the natives of New Zealand in all wild land in

those islands, after the Sovereignty had been assumed by Her Majesty, was not essential to the true construction of the Treaty of Waitangi, and which error was productive of very injurious consequences."

What can be more significant than that? The whole question is here condensed. The entire of the Resolutions of my hon. Friend might have been compressed into that Resolution, and that Resolution, thus denunciatory of the Government, was moved by one of the most conspicuous Members of the Conservative party in this House. So strong was the conviction of the noble Lord that wrong—plain and manifest wrong—had been done; so strong was his conviction that gross injustice had been perpetrated; that, not satisfied with the Resolution moved by the Friends of the Colony, he, of his own accord, prompted by his sense of honour, moved the Amendment which I have just mentioned. When you shall do me the honour to advert to my observations, don't answer me, but answer Lord Francis Egerton, in defending Lord Stanley. After the Committee of 1844, what took place? One would imagine that when Lord Stanley had read the Report of the Committee, he would have retraced his steps—he would have acknowledged his mistake—that his policy would been altered—that at all events he would have entered into some sort of amicable communication with the Company; but what took place? He wrote a despatch; and he seems to have thought that as the Report was "Howick against Stanley," the despatch should be in the cross-cause—a very cross cause—of "Stanley against Howick." Accordingly the despatch contains nothing but a series of animadversions upon my Lord Howick's Report. His object is not to govern New Zealand, but to refute my noble Friend; and as in that Report, drawn by the noble Chairman, a principle of Colonial law was referred to—a principle laid down by Sir George Gipps—an indisputable and familiar principle—viz., that barbarous tribes have no vested property in any land they do not occupy, my Lord Stanley's business was to dispute the premises; and accordingly he expatiates on the merits of the New Zealanders, by whose cuisine my Lord Stanley does not appear to have been shocked. In the gastronomy of the Pacific, Lord Stanley discovers a fine moral taste and a relish for civilization. Last night the noble Lord the Member for Sunderland mentioned a curious fact illustrative of the law of real property in New Zealand. It is an improvement on the familiar anecdote:—"Je l'ai mangé!" exclaimed a chief, in proof that he was acquainted with a Frenchman. "Title," in New Zealand, is, it appears, derived through digestion. The accuracy of the noble Lord's statement may be questioned by those who think it too horrible for truth; but no one will contradict the fact stated by my hon. Friend the Member for Liskeard, in his most masterly speech, that the most ferocious and sanguinary chief in New Zealand founded his title to the valley of Wairoa upon his having put all the inhabitants to death. The Report of the Committee had no effect upon my Lord Stanley; but it had upon the public mind; and when it was found that no redress was to be granted to the Company, that the Government would not act upon the Report of the Committee of their own nomination, the merchants, the great capitalists of London assembled together, and presented a petition, to which I beg to invite the attention of the Government. Most able speeches have been delivered on this subject. There was the admirable exposition of my hon. and learned Friend. Last night my noble Friend the Member for Sunderland, with his usual comprehensiveness, pointed out the faults you had committed, and the mode in which they should be remedied. But I do not hesitate to say, that nothing has been said at all comparable to the matter that is set forth in the petition of the merchants and traders of London. That petition was presented on, I think, the 18th of March, 1845. I have seen the right hon. Gentleman at the head of the Government, armed with a petition of the merchants of London; I have seen him stand up in the House of Commons, and with the emphasis peculiar to himself, expatiate on the importance of the sustainment he had received from the great mercantile body of the kingdom; and surely it will be felt that the petition to which I am about to advert—a petition not only condemnatory but denunciatory of your conduct—is deserving, if not of yours, at least of public consideration. That petition states—

"That the renewal of differences with the Colonial Department, and the simultaneous occurrence of distractions and disputes in the Colony, having produced universal dissatis-

faction and complaint, sowed the seeds of alienation between the European and native races, and reduced both the newly founded settlements and the New Zealand Company to the verge of ruin, your petitioners, in common with the whole British community, viewed with the most lively interest the appointment by your honourable House, during the last Session of Parliament, of a 'Select Committee to inquire into the state of New Zealand, and the proceedings of the New Zealand Company.' That the publication of the Report of that Committee, with the evidence on which it was founded, has satisfied your petitioners that the New Zealand Company, and the colonists who emigrated under their auspices, have been exposed to hardships and difficulties, the result of the policy, on the part of the Colonial Office and the local authorities, which called for prompt interference and redress. That your petitioners cannot forget, that to the efforts of that Company it is owing that New Zealand is not now a Colony of France; nor overlook the fact, that its claims to land, so perseveringly opposed by the Colonial Office, are pronounced by the Select Committee of your honourable House to be founded in justice. That the whole inquiry proving to demonstration the invaluable capabilities of the Colony, and how grievously their development is at present retarded; the claims of the New Zealand Company, and in how great a degree its usefulness is impeded; and the urgency of the necessity for extending to the colonists that encouragement to which their spirit of forbearance so well entitles them; the whole case calls loudly for prompt Parliamentary interference and redress."

By whom was that petition presented? Not by a Whig—not by an antagonist of the Colonial Office—not by a factious partisan—that petition was presented by John Masterman. What is the first name attached to it? George Lyall; and on looking over the list of signatures, I find the firm of Pattison and Son. Thus one of the Members for the city of London presents the petition; it is signed by two of the other Members for London—one a Whig, the other a Tory—and I believe that in every sentiment it expresses, my noble Friend, the other Member for London, will heartily concur. Here are marshalled, in an array of unexampled opulence, the bankers, the traders, the great merchants of the capital of the Empire and the metropolis of the commercial world. And what will be your answer to their statement? Will you tell me that your policy has been successful? Have not the brightest prospects been clouded? Has not one of the noblest fields ever opened to the genius of British enterprise withered, and been struck with sterility in the shade of the Colonial Office? Emigration has ceased; the revenue of the Colony is gone; the state is brankrupt; trade and agriculture are annihilated; the plough lies idle in the midst of immeasurable tracts of inexhaustible fertility. Amidst havens fit to contain the navies of England, a sail is never unfurled. The settler is converted into an exile, and he mourns over the recollections of the country which he will never behold again, and trembles for the security of his children, surrounded by savages whose ferocity has been inspirited by your weakness, and by whom the blood of Englishmen has been already profusely shed. Vehemently, but rightly, with passion, but with fatal truth, did the noble Lord, the Member for Sunderland exclaim, that against you the blood of Englishmen cried out. Who is there who has perused the account of the massacre at Wairoa, and of the death of the unfortunate and gallant Officer to whose merits the Committee have borne their melancholy and unavailing attestation — who does not associate, with a mournfulness, a sentiment of indignation against the presumptuous folly of the Minister to whose deplorable incapacity those disasters are to be ascribed? Let the men, who of those calamities shall be reckless—who are indifferent to our Colonial interests—who are careless of the lives of their countrymen, and who think that with a great mercantile association, associated for the best and most useful purposes, faith ought to be broken with impunity, vote against the Motion of my hon. Friend. But he will be sustained by every man who can appreciate Chatham's noble exclamation, "Ships, Colonies, and Commerce"—by every man who looks on a wise system of emigration as a remedy for some of the greatest evils of the country—by every man who thinks that some of the noblest islands in the ocean ought to to be turned to an account worthy of the purposes of Providence, which are impressed upon them, and of the great empires to which they are annexed—by every man who thinks that a great Department of the State ought not to be conducted in the spirit of splenetic authoritativeness and of fractious sophistication.

Sir *James Graham:* At the outset of the observations which I think it my duty to address to the House, I am anxious to ex-

press my concurrence, on two or three points, with some Gentlemen on both sides who have delivered their opinions in the course of this debate. In the first place, I am far from underrating the great importance of the subject we are now discussing, because I am deeply impressed with the immense national importance of the Colony of New Zealand. When I consider its peculiar position, the fertility of its soil, the excellence of its climate, and when I connect these advantages with our Colonial position generally, and with our Colonial trade, which is the foundation of our naval supremacy; moreover, when I remember the geographical position of these islands, placed, as was most truly said by the hon. and learned Gentleman who introduced this subject to our notice, as the key of the traffic between the Pacific and the China Seas, I do think that these islands constitute an appendage of great value, whose position and maintenance are of primary importance to the British Crown. I must also express my opinion when I consider the crowded multitudes within this narrow island, that every prospect of successful colonization, well regulated and ordered, is a prospect conducive to the interests of the people of this country, and affords hopes of future advantages by no means to be neglected. On these grounds, therefore, I entirely concur in estimating very highly the importance of these islands, and I concur also in an earnest desire that their possession should be maintained. I am also bound to express my conviction, in common with that stated by the hon. Member for Newcastle-under-Lyne (Mr. Colquhoun), that the present state of affairs in those islands is much to be deplored, and that it is not consistent with that firm maintenance of possession which I have stated I so earnestly desire. Now, having prefaced my observations with these admissions, I am very anxious at this late period of a protracted debate not to travel over ground which has already been trodden; I will go into no details I can possibly avoid. But at the same time I am afraid it may be necessary that I should trouble the House with some allusion to certain portions of the documents which have already been cited, though I assure the House I shall not trespass on their indulgence, in reference to these particulars, more than I can possibly help. I distinctly admit what was stated by the noble Lord the Member for Sunderland (Lord Howick), last night, that the real difficulty of the present state of affairs in New Zealand is to be traced to two causes —first, the unsettled question with reference to the proprietary rights to the land in that Colony; and, secondly, the absence of any efficient control over the lawless spirit recently manifested by the natives there. First, then, with respect to the disputed titles to property; and, here I would shortly sketch what has already been stated to the House by others who have preceded me, namely, that the title of the natives to the soil of New Zealand, as an independent nation, has been recognised from a very early period of our connexion with these islands, by consecutive Governments, responsible for the administration of the affairs of this country. I will not go so far back, although I might trace this recognition from 1814; but I will allude to the appointment of a Consul in 1833, under the Government of Lord Grey, when, as was candidly admitted by the noble Lord the Member for Sunderland, he himself was Under Secretary of State for the Colonial Department. I would also call to the recollection of the House that the flag of the New Zealanders was not only recognised, but I believe, under instructions from home, saluted by a ship of war belonging to His Majesty with every mark by which the recognition of the independence of that nation could be signalized with effect. I will not again call your attention to the precise words of the instructions given by Lord Normanby, when he was Colonial Minister. The noble Lord the Member for Sunderland last night admitted that these terms of recognition of independence, in his opinion, exceeded the bounds of prudence; at all events, he admitted that they were unqualified and absolute. I would rather now quickly pass over every antecedent recognition of independence, and come at once to the Treaty of Waitangi. That Treaty contains three stipulations—the First Article surrenders, on the part of the inhabitants of those islands, all the rights and powers of Sovereignty to the Crown of Great Britain. The Second Article, in consideration of that surrender, guarantees to the inhabitants the full, exclusive, and undisturbed possession of their lands and estates; and, in terms as extensive as can be used, recognises their titles to all the property they may collectively or indivi-

dually possess, so long as it may be their wish and desire to retain it. The Third Article of that Treaty states that, in consideration of the surrender of the Sovereignty to the Queen of England, Her Majesty promises to extend to the natives of New Zealand her protection, and to invest them with all the rights and privileges of British subjects. That, Sir, is the Treaty which was entered into with the people of New Zealand by an Agent sent out from this country, and armed with proper authority for so doing; and that engagement was deliberately adopted by the noble Lord (Lord John Russell) then at the head of the Colonial Office. The right hon. Gentleman who has just sat down (Mr. Sheil) has dwelt with much emphasis upon the engagement entered into by the Crown with the New Zealand Company. It is necessary for me to advert to this subject now, inasmuch as the principal difficulty which my noble Friend (Lord Stanley) has experienced in this matter, has been to accomplish the task of reconciling the Treaty of Waitangi with the Charter granted to the New Zealand Company; and my noble Friend was not singular in this respect, for in a letter submitted to him on behalf of the New Zealand Company, this difficulty is thus stated:—

"It is impossible," says the writer, "to reconcile the missionary system with that of the New Zealand Company. The missionaries do all they can to prevent colonization from taking place, and use every endeavour to keep the New Zealanders away from the Europeans; whereas our object is to colonize the country, and to secure all the waste lands to the Crown."

And observe also what the New Zealand Company says in this letter of the difficulty in reconciling the Treaty of Waitangi and their Charter. These are the words which they use:—

"There are two systems essentially antagonist to each other, and which cannot be reconciled."

I entirely concur in the view taken by the New Zealand Company with respect to these two engagements. My noble Friend the Colonial Secretary found them both existing when he assumed his post, and his duty was to reconcile two engagements based upon antagonistic principles, and as far as was possible he has endeavoured to effect his object. The right hon. Gentleman (Mr. Sheil) contended, in the course of his speech, that, consistently with the engagements entered into by the Crown with the New Zealand Company, it was not just to call upon the latter to prove its title to the lands before the Court of Claims. Now the view taken by the right hon. Gentleman is at variance with the views adopted both by the Government and the New Zealand Company. I will first of all call the attention of the House to a letter written by the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), who was then the Under Secretary for the Colonies, dated the 2nd of December, 1840, and addressed to Mr. Somes, the Chairman of the New Zealand Company. In that letter the right hon. Gentleman enters upon the very point upon which the right hon. Member for Dungarvon has dwelt. In that letter the writer expresses the opinion of the noble Lord, the then Colonial Secretary, that the admission of the Company's claims to land was contingent and not absolute, in these words—

"With regard to all lands in the Colony acquired under any other title than that of grants made in the name and on behalf of Her Majesty, it is proposed that the titles of the claimants should be subjected to the investigation of a Commission to be constituted for that purpose. The basis of that inquiry will be the assertion, on behalf of the Crown, of a title to all lands situate in New Zealand which have heretofore been granted by the chiefs of those islands according to the customs of the country, and in return for some adequate consideration. Lord John Russell is not aware that any exception can arise to this general principle; but if so, every such exception will be considered on its own merits, and dealt with accordingly."

That, let me observe, is the noble Lord's (Lord John Russell) own construction. The title of the New Zealand Company was not absolute, but the derivative title was to be proved before the Commission then about to be established. That construction was at first only acknowledged, not admitted, by Mr. Somes, in a letter addressed by him to the Colonial Office. In November, 1840, the noble Lord (Lord John Russell) addressed a letter to Sir George Gipps, conveying information of this arrangement with the New Zealand Company in these words:—

"*Downing Street, November* 21, 1840.

"Sir—I have received your despatch (No. 66) of the 29th of May last, transmitting a copy of the Address with which you opened

the session of the Legislative Council of New South Wales, and in which you stated that a Bill to empower the Governor of New South Wales to appoint Commissioners to examine and report on claims to grants of land in New Zealand would be proposed for the consideration of that body. I transmit to you, herewith, copies of a correspondence which has passed between this Department and the gentlemen associated under the name of the New Zealand Company, with regard to the rights which may have been acquired by the Company, and the terms on which their corporate existence would be sanctioned by Her Majesty's Government. You will defer the execution of any powers that may be given to you by the Bill above alluded to, should it pass into a law, until you shall receive further instructions from me on the subject. You will understand, however, that it is not my intention to abandon the plan of instituting a Commission to inquire into the titles or claims to land in New Zealand; but that, on the contrary, I fully intend to carry it into execution."

Then, it is also important to see in what light this arrangement is understood by Colonel Wakefield, the Company's Agent in New Zealand, when first he receives information of the new Charter. Colonel Wakefield thus writes, on the 24th of August, 1841, to Governor Hobson:—

"Sir— On behalf of the New Zealand Company, with a view to carry out the arrangement entered into in November last by Her Majesty's Secretary of State for the Colonies and the Company, and to effect the settlement of the Company's possessions in Cook's Strait, by the purchases of land from them, upon the faith of that arrangement I have the honour to submit to Your Excellency's consideration the following observations and proposals. It is presumed in the arrangement that the Company has acquired a valid title from the natives to a very large territory on both sides of Cook's Strait, to which they lay claim, and to which their settlements are to be confined. The Colonial Minister, upon that presumption, authorizes the selection by the Company (within six months of the receipt of a copy of the arrangement by Your Excellency) of certain portions of the land within that territory, to the extent of four times the number of acres of pounds sterling expended by the Company, including 110,000 acres in the neighbourhood of Port Nicholson, and 50,000 acres in the neighbourhood of New Plymouth. The amount of acres thus to be selected will probably be found, when the account is taken of the Company's outlay up to that time, to exceed 600,000. At the same time a Commission, to be named by Her Majesty's Government, is to decide on the validity of the presumed purchases from the natives by the Company. Under these circumstances, and pending the investigations of the Commission, it seems desirable that purchasers of land from the Company, on the faith of this arrangement, should be enabled to locate themselves on land under Your Excellency's protection; and yet that no violation of the intentions of the Government, as regards titles derived from natives, should take place. . . . . Provided always, that if any part of the said lands shall, upon due inquiry, be found not to have been validly purchased from them before the date of the alleged purchase by the New Zealand Company, full compensation shall be made to the natives, or the previous purchaser, as the case may be, by the New Zealand Company."

The full compensation referred to was stated subsequently to be arranged by the Company's placing at Colonel Wakefield's disposal the sum of 500*l.* and 1,000*l.* acres of land for that purpose. If I mistake not, there is also a letter of the 10th of June, 1841, from Mr. Somes to Lord Stanley, still more explicit than those to which I have just referred. That letter is contained in page 572 of the Correspondence of 10th June, 1841. Now, the fact is not, as alleged, that any misunderstanding between my noble Friend the Colonial Secretary and the New Zealand Company took place immediately on his entering upon his duties, for none occurred until the end of 1842. I regret extremely that when my hon. Friend the Secretary for the Treasury, Mr. Cardwell, addressed the House, there were so few who heard him. But those hon. Members who did listen to his arguments will allow the force of his statement with respect to the binding nature of the Treaty of Waitangi, and its contrariety with the contract entered into by the Government with the New Zealand Company, and I shall not therefore repeat those arguments now; but I must call attention to the fact, that although, until the close of the year 1842, there was no difference or misunderstanding here between the New Zealand Company and the Colonial Office; yet it must be admitted that their Agent in the Colony, Colonel Wakefield, did decline to offer any proof of their claims to land before the Commission established in New Zealand for that purpose. The noble Lord the Colonial Secretary subsequently sent out a person qualified to act as a Commissioner in the examination of land-claims, and it was admitted that the person chosen had exercised his functions fairly. When Captain Fitzroy was ap-

pointed Governor of New Zealand, a distinct understanding was come to between the Company and the Colonial Office. The instructions given to Captain Fitzroy were express, that the contract with the New Zealand Company should be carried into execution. I cannot entirely relieve the Executive Government at home by imputing blame to Captain Fitzroy; at the same time, where Captain Fitzroy has disobeyed his instructions, I think, on the part of the Government, that I am entitled to claim the benefit of his recall, which has distinctly rested upon the allegation—an allegation which has been proved — that in many important particulars he has not obeyed the instructions of the Government at home. And here I may observe, in reference to a very important point in this discussion, that the order to Captain Fitzroy was express that the contract of 1843 should be carried into execution, and the Company be put in possession of the land that should be awarded by Mr. Pennington. At the same time there was another condition at all times recognised by the Company as antecedent to the second agreement of 1843, and which was part of the original agreement of 1840 with the noble Lord, viz., that the selection of land was to be made by the agents of the Company within certain specified limits, and that having made their selection they should put in their claim. Now, the Government had reason to believe, and they were informed by Captain Fitzroy, that since he arrived in New Zealand no selection had been made by the Company's Agent, and that consequently no application had been refused. It has been said by my hon. Friend the Member for Newcastle-under-Lyne (Mr. Colquhoun), that great allowance is to be made for Captain Fitzroy in the difficult situation in which he was placed. I readily allow that, in justice to Captain Fitzroy; but it is true that several of his acts have been in direct violation of his positive instructions. I refer more especially to his issue of inconvertible paper; to his refusal to obey the instructions of the noble Lord opposite (repeated by my noble Friend at the head of the Colonies), to embody the settlers, and under certain restrictions the natives, in a militia. The instructions were express on both these points, but they were disobeyed. With respect, also, to the revenue of the Colony, I am bound to state that the remission of all customs' duties is a measure which, as explained to the Government, does appear to them to be indefensible. At the same time, it must be remembered that the difficulty of levying duties of customs along a coast extending, I think, 3,000 miles, even with a force infinitely larger than that which was at the disposal of the Governor of New Zealand, is so great that it renders the duty difficult to perform. Still, it cannot be denied that the remission absolutely of all duties of customs without an appeal to the Home Government, or without an opportunity of remonstrance from the Home Government, does appear a very unjustifiable act. Now, the right hon. Gentleman the Member for Dungarvon (Mr. Sheil) commented upon several divisions which took place in the Committee appointed last year upon this subject; and he appeared to be of opinion that those divisions turned upon a point impugning or condemning the conduct of my noble Friend. I had not the advantage of being on that Committee, and I only know what occurred from the document to which the right hon. Gentleman referred; but, if I mistake not, the two divisions relate to the first two Resolutions adopted by that Committee. The first impugns the acts of the former Government, including the Treaty of Waitangi; the other impugns the conduct of the local Government in matters which were not immediately under the cognizance of the Home Government. I cannot, therefore, admit the construction of the right hon. Gentleman that they turned upon points condemnatory of the policy of my noble Friend. But complaints have been made both by my hon. Friend the Member for Newcastle-under-Lyne, and by the hon. Member for Lambeth (Mr. Hawes), of the delay and of the mode in which business is conducted in the Colonial Department. I admit that the weight of that business is most oppressive; at the same time, I demur entirely to the remedy suggested by the hon. Member for Lambeth, and acquiesced in by my hon. Friend the Member for Newcastle-under-Lyne; and I must say that my official experience leads me to the conclusion that the appointment of a Board nominally to aid that Department would not expedite the transaction of business. However specious the remedy may be, I am certain that it would not be conducive to the transaction of public business, nor do I think that its appointment would be wise upon constitutional grounds.

Mr. *Hawes* said, that his remedy was simply this, that he proposed that the Colonies should have a local self-government. The only duty which he had ventured to shadow out for the Board was this, that it should collect useful information relative to the Colonies, which information should be periodically published for the use of the public.

Sir *J. Graham:* I am sorry to misrepresent the hon. Member; but, at all events, my hon. Friend the Member for Newcastle-under Lyne fell into the same error with myself, and he even adopted what both he and I believed the hon. Member to have recommended. The hon. Gentleman, however, did observe, and I think he will admit that he made this remark—that the Colonial Office attended a great deal too much to home interests. Now, I hope the House will pardon me if, without meaning to say anything in the least offensive to the New Zealand Company, I remind the House of the powerful influence attached to that Company—a matter to which I think I may allude when a charge of attending too much to home interests has been made against my noble Friend. I will not enumerate the numbers, but I see upon both sides of the House a number of Members of this House who are avowedly Members of that Company. The ramifications of that interest are most extensive, and also most powerful; and in passing I would observe, that if my noble Friend at the head of the Colonies had yielded, as the hon. Member for Lambeth says he is accustomed to yield, to home influence and to home interests, he would have experienced a much more quiet life than he has enjoyed for the last few years; the whole of the discussion now entered on might have been spared, though by yielding to home interests he might indeed have sacrificed the interests of 100,000 New Zealanders in the antipodes. Had he consulted his own ease and quiet he might have gained a dishonourable repose; but he would have adopted a course exactly the reverse of that which he has pursued. Now, I would further observe in passing, that I think the hon. and learned Gentleman the Member for Liskeard (Mr. C. Buller), was also somewhat unjust in the comments which he made upon the Colonial Office. He said that the noble Lord the Member for Tiverton (Lord Palmerston) suffered no nonsense which might be addressed from the Colonial Office to the Foreign Office, but put it at once aside and treated it as undeserving his notice. Now, Sir, I must say, that considering that the noble Lord the Member for London (Lord John Russell) presided over the Colonial Office at the time to which the hon. and learned Member referred, and, without offence, I might say, when Mr. Stephen was Under Secretary, whatever other charge might be brought against it, nonsense was not likely to emanate from the Colonial Department. I am perfectly ready to admit that disputes with reference to the past are of infinitely minor importance when contrasted with what is the future policy that is to be pursued. That is a matter of the utmost importance as concerns both the British and Colonial interests, and I think that it is impossible to have heard the speech of the right hon. Gentleman the Member for Coventry (Mr. Ellice) at the commencement of the debate this evening, and not to have been impressed with the manly sense which characterized it. It was a speech which, in my opinion, deserves a clear and explicit answer from Her Majesty's Government. As far as I am concerned, I shall endeavour to deal distinctly with the important questions which were put by him. I think that he and the House are entitled to an explicit declaration of this kind. The first question put by him was, "What is your construction of the Treaty of Waitangi?" To that I say, that our construction is—first, that Her Majesty is entitled to all the rights of Sovereignty in that island, fairly ceded and to be exercised with fidelity on Her part, in strict observance of the engagements contracted with the inhabitants. Secondly, I conceive those engagements to be, that the inhabitants shall be protected in their rights of possession of their lands and property so long as they shall desire to retain them, the right of pre-emption to all lands, if the inhabitants should desire to part with them, being vested in the Crown. And thirdly, that on condition of those cessions on the part of the inhabitants, they shall enjoy all the rights and privileges of British subjects. That I consider to be the arrangement. To that Her Majesty's faith is bound, and I think that that Treaty must be religiously observed. Now, this brings me to a point of some importance. I do not wish to be over nice in my criticism upon words, but still, words are on these occasions significant, frequently most important, and are not to be disregarded. The words of

the Treaty, I think, are, "lands in the possession of." In the Letters Patent there is an important departure from the terms of the Treaty. The terms used in the Treaty are "possession;" whilst, in the Charter of Incorporation, they are "lands occupied or enjoyed." Now, I beg the House to remember, that by the act of the local Government, approved by the noble Lord, a positive prohibition was imposed on the sale of "occupied lands" by the natives. Now, the noble Lord when he prohibited the sale of occupied lands, and yet had stipulated for the right of pre-emption on the part of the Crown, must certainly have contemplated the right of buying something which the natives could sell. They could not sell "occupied lands;" he must, therefore, have contemplated the right of purchase by the Crown of "unoccupied lands;" and, if that right existed consistently with the Treaty, if there was the right of purchasing "unoccupied lands," then the noble Lord must have contemplated and have recognised the right (subject to proof before a competent tribunal) of the natives to part with and sell those "unoccupied lands;" for unless there was the right to sell, there could be no right to purchase. The right hon. Gentleman asked what we intended to do with respect to land? We intend to do that which Captain Fitzroy was directed to do, but which he omitted to do, namely, to call upon all claimants, whether natives or settlers, to prove their titles and register their lands within a certain limited time. At the expiration of that time all parties claiming, who fail to appear and to register, will forfeit their title; and the right of Sovereignty accrued under the Treaty of Waitangi, and the right of the Crown to all unregistered lands is indisputable. Further, I conceive it is quite open for the deliberate consideration of the Government, in reference to circumstances which cannot now be exactly foreseen, after the registration shall have been enforced, to adopt the recommendation given by the hon. Member for Liskeard himself regarding unoccupied lands in Canada, and to impose a moderate tax upon waste lands. I am satisfied, by the application of that principle, and in strict conformity with the claim, that the Crown will become possessed of large portions of unoccupied lands. The next question was, how we propose to deal with the New Zealand Company? Our instructions will be positive to complete the contract entered into by Lord Stanley, in 1843, with the Company; and to put them as promptly as possible in possession of land, within the limits assigned, of which they should make selection, and of which they should claim to be put in possession, having made that selection. In strict accordance with the arrangement of 1843, they would be put in possession of a *primâ facie* and contingent title, subject only to the proof of a better title vesting in other parties. The remission of the customs, I have already said, was an ill-advised act: in other respects, affairs in the Colony are in such a state, that I am quite convinced it is necessary to place an increase of force at the disposal of the Government. Orders have been given to send from hence a regiment to New Zealand; and in the mean time, we have reason to know that the Governor in New Zealand has obtained from New Holland a considerable augmentation of force. We are asked, what I admit is more important than any of the questions to which as yet I have given an answer, what are the institutions under which New Zealand is to be governed? And I say at once, it is the wish of the Government here, and it has been the direction to the Government there, to give, upon application being made, municipal institutions to all the settlements of the New Zealand Company. If there be any defect in the orders already given, directions will be given to the Governor, subject to a discretion to be exercised by him, to enlarge the extent of the municipal powers; and not only to enlarge those powers, but to increase the area within which these institutions might be established. It has been stated, and truly, that in strict accordance with the best principles of colonization, concentration is not desirable; that dispersion of the settlements is consistent with safety; and that, as you disperse and multiply your municipal institutions, you secure popular local government, and the means of self-government, within those districts. But it will be said, that this is still an imperfect popular government; and that, after all, representation may be necessary. I am not prepared to combat that proposition; but I must ask the House to consider the peculiar circumstances of the case. By the Treaty of Waitangi, the natives are entitled to all the rights and privileges of British subjects. If you

adopt the representative form of government, you must either admit the natives to a share in the representation, or exclude them. If you admit them, I am afraid, in the present temper of the inhabitants, and I will say too in their present state of civilization, it would be quite premature to adopt such a course. On the other hand, if you exclude them, you will be acting inconsistently with the engagements of the Treaty; and at all events, such exclusion, so far from being a measure of peace, would, I think, greatly increase the discord and confusion. At all events, I am satisfied that we ought not at the present moment to give any positive pledge upon the subject. The right hon. Gentleman asked, what was to be the law of succession of landed property, and, more especially, was the law of primogeniture to be retained? I think he could hardly press the Government, at the present moment, to enter into any discussion upon the law of primogeniture, or the propriety of applying it to an infant Colony. I believe I am right in saying that, as a general rule of law, British subjects, however, distant the quarter of the globe in which they may be, when they emigrate as settlers under the British Crown, carry with them the rights of British law and of British institutions. The adherence to that law was the rule, the departure from it was the exception; and it should be a rare exception, and subject always to the decision of the law advisers of the Crown in the mother country; and a more serious responsibility could not be incurred by the Government, than that involved by the subversion, in any instance, of the law of England, which was the birthright and the inheritance of British subjects. I have endeavoured to be as explicit in my answers as the right hon. Gentleman was pointed in his questions. With regard to the errors committed by the Governor, on whom I should be sorry to bear with harshness, I can only say that the Government have marked their sense in the most decided manner by his recall. The question then turns to his successor. The right hon. Gentleman the Member for Coventry (Mr. Ellice) said, that he thought that no appointment would be a judicious appointment which was not made by the selection of some gentleman now in England, with whom oral communication might take place. Let the House contrast that opinion with the advice tendered last night by the noble Lord the Member for Sunderland (Viscount Howick). The right hon. Gentleman contemplated minute and specific instructions; and he was also of opinion that some indiscretion had been committed by my noble Friend, in not giving more specific instructions to Captain Fitzroy. He also said there had been much dispute with reference to the instructions of the Government, which would have been avoided had their instructions been written more minutely. [Mr. *Ellice:* Had the instructions been understood more perfectly by both parties.] The right hon. Gentleman said, that it would have been desirable that these instructions had been understood; and that, to that end, they should have been more minutely written. Now, what was the advice of the noble Lord the Member for Sunderland? The noble Lord thought that the Government should choose an able and experienced Governor, whom they should not too much fetter with positive instructions, but that they should tell him the particulars in which his predecessor had erred, and point out to him what was wrong; but that, at the same time, they should leave to him the largest possible discretion. I entirely concur in that advice. We have told you that Captain Grey is the person who has been selected; and it is not denied, or attempted to be denied, that he is a person possessing both ability and experience. Indeed, if I wanted proof of the fact, I find it in a special reference to that Gentleman in the Resolutions before the House, which especially recommend that the course adopted by Captain Grey, in the treatment of the aborigines, should be the example and the model of the treatment of the natives of New Zealand. The only objections made to him by the noble Lord (Lord Howick) were, his youth and want of rank. Of the first of these objections I must say, it does appear to me that youth is rather a necessary qualification for successfully grappling with the difficulties of the case. As to his want of rank, the noble Lord could hardly insist upon that objection, with reference to a person possessing all the other qualifications requisite for the post to which he was appointed. [Viscount *Howick:* Rank in the service.] I do not think it necessary, provided he possessed all the other necessary qualifications, that he should be possessed of any very high rank in the service. I am very unwilling to detain

the House a moment longer; but I should be unjust to my noble Friend (Lord Stanley), were I to omit to state to the House what my strong impression is respecting the present Motion. My noble Friend has had great difficulties to contend with, in the midst of which, however, he has endeavoured to reconcile conflicting interests and feelings. If he has erred, he has erred on the side of considering with kindness, caution, and solicitude, the interests of the unprotected natives of New Zealand. ["Hear, hear."] I do not admit that he has erred; but if he has, his motives cannot be impugned; they have been kind, they have been generous, they have been humane. What is the proposition now made? The proposition now made in the speech of the hon. Member for Liskeard, which cannot be forgotten, is to condemn the policy of my noble Friend; or, in the language of the right hon. Gentleman who has just sat down, to pass a censure upon his "splenetic authoritativeness and fractious sophistication." It is, therefore, distinctly a vote of censure upon my noble Friend. It will be for the House to consider whether the difficulties of the Colonial Government, which have been felt and acknowledged by the ablest men who have filled that Department—among whom I have to name the noble Lord the Member for London (Lord J. Russell)—it will be for the House to consider whether these difficulties will be diminished by the House assuming to itself in Committee all the functions of the Colonial Administration. Certainly, Sir, my noble Friend and his Colleagues cannot but regard such a vote as a most serious imputation upon his and their policy; and it remains for the House to say whether, under such circumstances as I have mentioned, it will pass that vote of censure.

Lord *John Russell:* When I addressed the House at the early part of the Session, I stated that I hoped the time would come when, instead of entering into the particular controversy which was carrying on, and had been carried on for some time, between the Colonial Department and the New Zealand Company, we should address ourselves to the question of the difficulties in which that young Colony is placed; and to endeavour, as the chief advisers of the Crown, and as part of the Legislature of this country, to rescue that Colony from what appeared to be impending evil. I stated at the same time the glorious destiny to which I believed New Zealand to be called; and I expressed a hope that nothing would occur to mar the early prospects of the Colony, or prevent it from pursuing an unbroken career to the fulfilment of that anticipation. I was in hopes that we were in this debate mainly to consider that question; but the course taken by Ministers has put it out of my power to confine myself even principally to that question. The hon. Gentleman the Secretary to the Treasury, more by insinuation and inference, and the right hon. Baronet the Secretary for the Home Department, more directly, have stated that, if any difficulties have arisen—if the noble Lord the Secretary for the Colonies have found himself embarrassed, it has been in consequence of the mistakes of his predecessor. I am obliged, therefore, when the Government comes forward, and, as the explanation of its present difficulties, throws the blame of its embarrassments upon me—I am obliged to ask the attention of the House to some of the details of my conduct in the administration of the affairs of the Colonial Office. In the performance of the task thus imposed upon me, I cannot but observe, that allusion has been made to the manner I discharged my duties, in words that are too complimentary, and which have fallen to-night both from my right hon. Friend the Member for Coventry, with whom I have long been in habits of friendship and of political connexion, and also from the hon. Gentleman the Member for Newcastle-under-Lyne, with whom I never had any intimate acquaintance, and never any political alliance. But, holding the reverse of the opinions which these two Members have been pleased to express of my conduct, the right hon. Gentleman opposite has declared that I made such a gross blunder in making two incompatible engagements—the one with the New Zealanders, and the other with a Company consisting of mercantile men and gentlemen resident in this country—that these two engagements were not only difficult to execute, but that it was impossible to reconcile them. If I had done so—if I had fallen into such errors—I should not only be worse than others who have filled the same office; but if I had made such gross mistakes, I should be entirely unfitted for the high office I held. I now beg to put

the House in possession of the facts of the case. The first fact to which I think it necessary to call the attention of the House is, that in the year 1839, the islands of New Zealand were recognised as an independent State. Captain Hobson went out there, with full powers to act as Her Majesty's Consul in those islands; and they were taken under the protection of the Crown of England. He then succeeded in effecting the Treaty of Waitangi. Looking at these circumstances, we are to ask ourselves whether or not the islands of New Zealand form a part of the dominions of the Crown of England? The Treaty is not long; yet the hon. Gentleman opposite did not take the trouble to read the whole of it—especially with regard to the Second Article, he did not state exactly the whole substance of that Article; and I shall now venture, often as it has been referred to, to read it to the House. It is this:—

"Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession. But the chiefs of the united tribes, and the individual chiefs, yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf."

It is evident that this Article consists of two parts. The first asserts the rights of the chiefs and tribes of New Zealand to the property of which they are possessed; and the other asserts for Her Majesty Her right of pre-emption to any land, or any lands, which the New Zealanders may be disposed to part with or sell. The hon. Member for Westminster (Captain Rous) had an Amendment on the Paper, to the effect that the Treaty of Waitangi should be maintained; but in the latter part of his speech, he very much complained of the latter part of this Article. But if our conduct is to be examined touching this Treaty, let us have the whole of the Article brought before the House. Let not merely the chiefs and tribes of New Zealand have everything constituted into their property which they possess, but let us look to the other part of the Article. Let not the chiefs and tribes of New Zealand say—"Everything that can be called or construed into property is to be ours; and we are to have the liberty and power of parting with it, when and how we like, to any European parties who may endeavour by land speculations to get hundreds, or thousands, or millions of acres into their possession." Let us not take Captain Fitzroy's departure from the terms of the Treaty—let us not take his total abandonment of the Second Article—but let us have the whole Treaty, and let us show that it is for the true interests of the New Zealanders themselves to maintain the second part of the Treaty as well as the first. With regard to the meaning of the first part of the Article, which the hon. Gentleman (Mr. Cardwell) says is inconsistent with the second, I say that it is consistent with the interpretation put upon other Treaties—that we are entitled to consider it as we do other Treaties made with Foreign Powers when a final possession, as in Canada, is secured to you. In looking at an agreement of this kind, we should take for our guide the plain and natural interpretation which would be put upon it in Europe, and which would be consonant with the acknowledged principles of public law amongst civilized nations. We ought, in coming to a vote on a question of this kind, to ask ourselves what has been the course pursued with reference to Canada, and Trinidad, and Demerara, and others of our Colonies and Dependencies? If you were dealing with the most civilized people on earth, you would not say that they had a property in all the wild land which happened to be contained within an island that they partly inhabited. We did not proceed upon any such principle in dealing with the Canadians in the war of 1756. Have you ever said anything of the kind, or done so with regard to Demerara? No, Sir, you have said, according to the general law of European nations, they should have the possession of that which they enjoyed, but with regard to the waste lands, these are the domain of the Crown, according to the law of England. It is hardly necessary, therefore, for the sake of this argument, to go, as Sir George Gipps did, into considerable research as to the maxims laid down by public writers on public law—to refer to Vattel—or to quote the doctrines laid down by

Mr. Wheedon and others—to show the proper and obvious meaning of the terms of the Treaty, and the general sense of public law. I rest upon the proper meaning of the terms, and the general sense in which they would be received throughout Europe. The hon. Gentleman the Secretary to the Treasury quoted various paragraphs to show the sense I attached to this Article of the Treaty to which I have referred. He quoted a paragraph from the instructions given by Lord Normanby, in which he stated that the waste lands were to be obtained on fair terms, and with the consent of the natives. He also quoted another passage, in which I said I saw no reason for receding from the instructions given by my noble Friend. But it so happened that I stated something more than the right hon. Gentleman opposite quoted, and which he might have found in another part of the same page, where I said, that within the domains of the Crown, the sale and settlement of all those domains should proceed according to the rules laid down in the Royal Instructions and the Letters Patent. I should have thought that if the hon. Gentleman wished to state this case fairly and fully to the House, that he would have gone to the Royal Instructions and the Letters Patent. He would have found in the Royal Charter that I specially referred to land "in the actual occupation" of the natives; and in the Instructions I referred to the natives "in actual enjoyment of the land." Now, I do not hesitate to say, that it is by the aid of such guidance as these passages afford us, that we can arrive at sound conclusions with respect to the meaning of the Treaty, and the terms on which we ought to govern the Colony of New Zealand. The name of Mr. Spain has frequently been mentioned in the course of this debate, and the hon. Member the Secretary of the Treasury has spoken of him as a country attorney. If he so spoke of that gentleman in those terms by way of disparaging him, I can only say—

Mr. *Cardwell* rose to explain. The noble Lord the Member for Sunderland had spoken of pettifogging distinctions in the Courts of New Zealand; and what he had said was, that under peculiar circumstances they did deserve to be accused of drawing pettifogging distinctions. He had said nothing intentionally to disparage Mr. Spain.

Lord *J. Russell*: I did not accuse the hon. Gentleman of charging Mr. Spain with pettifogging distinctions; but if it be the part of a clever attorney to meet certain cases by shifts and evasions, and trying to avoid the real point at issue, the hon. Gentleman opposite showed as much of the knowledge of the art last night as any attorney possibly could. The hon. Gentleman then went on with his argument, and in this respect he said that the first agreement was incompatible with the agreement afterwards made. Before I come to that point I must say that on these terms, "fully acquired and enjoyed," I do not think that in carrying out the Instructions there could have been any difficulty with respect to them, from the Treaty of Waitangi. I admit that there must be a fair, a liberal, and generous construction of the Treaty; there must be such a construction that, if the natives can show that the said property was in them and enjoyed by them, it should be left to them; but if you interpret the Treaty of Waitangi as you have interpreted it, you make it at variance with the interpretations of the whole law of Europe—you do this in favour of savages, and of men who are still remaining cannibals, and for them you give a wide interpretation, and such as was never thought of with respect to any former Treaty. I do not call that a fair interpretation; on the contrary, I call it an extravagant interpretation, not only fatal to your Colony, not only preventing your settlement of it, but one giving up the natives to be the prey of every land-jobber. We may reckon, perhaps, 100,000 persons in New Zealand of the aboriginal tribes, and 100,000 square miles, and about one person to every square mile; but still there are 20,000,000 of acres on the Middle island, and it is stated in one of the Papers that, though there are not more than 1,500 persons in any way inhabitants, yet still that in some way, on an island as large as England and part of Scotland, there is not an acre on which a native is not found to have a claim. Is not that an extravagant interpretation of the Treaty? I have shown that in the words I advised the Queen to use, in the Letters of Instruction and in the Charter I gave no such interpretation. I hope that this House will not sanction such an interpretation; and I hope that the noble Lord the Secretary for the Colonies will

not sanction an interpretation that would be not only injurious to the country that has founded the Colony, but abandon the natives, under the notion of giving them the benefit of what I cannot but call an extravagant interpretation to the depredations of land-jobbers. Such being the state of the case, and having agreed that the country should be governed according to the Letters Patent, having drawn them up for the good of the natives, and having given instructions with regard to the Treaty of Waitangi, I must own that I had not the foresight to perceive that there would arise numberless disputes with respect to all the waste lands of New Zealand. I recollect that one of the difficulties that was mentioned to me was as to making a survey of the islands, and in having surveys made. As to the title to the lands, I thought with Lord Normanby, that a liberal interpretation should be given to the contracts made with the natives, by which large tracts would be immediately ready to be disposed of. Was I singular in this interpretation? So far from that being the case, Major Bunbury, one of the persons who, under the orders of Captain Hobson, went about to obtain signatures to the Treaty of Waitangi, in the Middle island, stated to Governor Hobson that there was such a vast extent of waste land, that allotments could be made immediately, and that surveys ought to be commenced forthwith in order that settlers might be placed in possession of the land. I believe, then, that my interpretation was generally adopted in this country. Then some time afterwards a question arose as to the New Zealand Company. My first acquaintance—if I may so call it—with the New Zealand Company was not made under the most pleasant auspices. Soon after I came into the Colonial Office, I saw—I think in a newspaper—articles purporting to be articles of agreement between certain persons who were going out, or who had gone out, to New Zealand, by which they bound themselves to submit to certain laws, being in spirit the laws of England, criminal and civil. It struck me that such an agreement could not be consistent with the laws of England. I gave them notice that if they carried out that agreement, I should proceed against them. They took the opinion of my learned Friend Sir Thomas Wilde; they found that I was right; they cancelled the agreement, and the persons who went to New Zealand did not act upon it. This circumstance placed me in a relation towards the Company which it might be supposed would not promote very cordial feeling between us. The hon. Secretary to the Treasury seems to suppose that my disposition was, at one time, peculiarly favourable to this Company. Now, I will tell him what view I took of the Company. I was of the same opinion that Mr. Huskisson once expressed, that these commercial companies formed in this country are higly useful for the purpose of colonization. There are many things the Government cannot do of themselves; as, for instance, the collecting the emigrants, placing them together in companies, and providing for their location in a Colony: these are things which can be much better done by a company than by the Government; and as it was my wish to see the Colony of New Zealand fairly and prosperously settled, and as I found there had been a quarrel going on for some time between the Colonial Department of the Government and the New Zealand Company, as soon as the authority of the Crown was declared to be paramount in New Zealand, I seized the opportunity offered by the hon. Member for Dartmouth (Mr. Somes) of endeavouring to allay those difficulties which had arisen, and by some practical measure to form such an agreement, that the Government on the one hand, and the New Zealand Company on the other, might both work for the benefit of the country, and, at the same time, for the welfare of the people of New Zealand. The right hon. Gentleman says that the agreement formed with the Company was totally inconsistent, and wholly incompatible with the Treaty of Waitangi. According to my view of the Treaty of Waitangi, I hold that that is not the case, nor was this the opinion of the Committee of last year. The opinion of that Committee was, that the sense which was put upon the Treaty of Waitangi was not essential to its due construction; and that opinion was adopted by the Committee on the Motion of no political friend of mine, but, as has been said by my right hon. and learned Friend near me (Mr. Sheil), of the noble Lord the Member for South Lancashire (Lord Francis Egerton), who is deservedly and justly respected in this House, and who

took a most impartial course as a Member of that Committee. I think, then, the right hon. Gentleman is not supported in the view he takes in respect to this imputed inconsistency. But let us see in what way it was inconsistent. The fact is, as the right hon. Gentleman has stated, that I was under the impression that the Agent of the New Zealand Company had purchased a large quantity of land from the natives of New Zealand, and that that land they were ready to surrender to the Crown, and to admit that all rights acquired by them under that purchase should cease, and the whole should be subject to the pleasure of the Crown. I, on the other hand, was willing to grant them terms similar to those granted to other parties and other companies, who have colonized other Colonies, or have carried emigrants to New South Wales. I was willing to admit that in proportion to the expense they had incurred, they should receive a number of acres of land; that for every five shillings so expended they should receive an acre of land. But be it observed, there was not in this agreement a word as to the number of acres which they had purchased. I should not give a fair interpretation of that agrement if I said otherwise. But, then, to advert again to this charge of inconsistency between that agreement and the Treaty of Waitangi—if they had this quantity of land, or if there were these millions of acres, which I supposed, of waste lands in New Zealand, there could be no difficulty whatever on the part of the Crown in fulfilling that agreement with the Company. How can it be said, then, that the one course was incompatible with the other, and that it was impossible to fulfil the terms of the agreement without violating the Treaty? To support his view the right hon. Gentleman must give a sense to the Treaty which I have not yet heard ascribed to it, extravagant as many of the interpretations given of it have been. The question, then, was, what we were bound to, and what I considered we were bound to by that agreement. I agree that the impression I had of that obligation, and which I believe the New Zealand Company had, and which, as I suppose, the Company's Agent in New Zealand had also, was, that they had a title to a quantity of land far exceeding any number of acres that could be allotted to them under an award, and that their claim would fall below the number of acres they possessed, leaving a quantity of surplus land which they would have to surrender to the Crown. That was my impression certainly. And I have every reason to believe, too, that the New Zealand Company acted fairly and *bonâ fide* in the matter. Their accounts from New Zealand, which have not been concealed, but are open, and have been made public, induced them, I think, to believe that they were making a bargain handsome on their part, in surrendering the land they claimed on the ground of purchases from the natives. But suppose a case should occur which I certainly did not contemplate, and it should be found that these purchases of land were not good; and suppose it should turn out that some of them, or almost all of them, had been made from persons who had themselves no title to dispose of these lands; and that others should come forward and prove they had a just and equitable title to them; and that, consequently, the Crown could not take possession of them; it is obvious at once that the Crown, in that case, could not fulfil the literal conditions of the agreement by making the grants of land out of the territory of New Zealand in which the Company had settled. But I do not think the Crown would thereby be released from its agreement, for that agreement was to this effect:—That, considering the Company had expended so much money, partly in preparing ships, partly in taking out emigrants to the Colony, partly in preparing stores, partly in making purchases of land, and in other ways; therefore, so much land should be granted to them. And in this respect the agreement resembled many of the agreements which have been made by the Colonial Government of New South Wales, in which they say to parties, if you will bring, at your own expense, labourers to this Colony, we will apply the purchase money which you would else have to pay, to your credit, and we will apportion you a number of acres, in proportion to the expense you have incurred in bringing colonists here. The agreement I made with the New Zealand Company was of a similar kind, and conceived in a similar spirit. It was not an agreement stating, that whereas the New Zealand Company have 10,000,000 of acres, and will surrender them, except a certain portion to the Crown; therefore that portion shall be granted by the Crown to the Company.

That was not the nature of the agreement; although the purchase of land was stated as one item of the expense incurred by the Company, it was not that alone upon which the agreement was founded; but upon the whole of the expenses taken in a lump, and not merely on that of the purchase of land. The right hon. Gentleman may be correct in saying this was an imprudent agreement, and that I had not sufficiently ascertained the nature of the purchases made; but that he should say there was a want of consistency between that agreement and the Treaty of Waitangi, passes my comprehension, for I can see nothing incompatible in the one with the other. Then, Sir, what is the nature of the obligation the Government have incurred? It appears to me—I am not now going into the acts of the local Government; but supposing all those acts to have been unexceptionable, and that they found no fair and just claim on the part of the New Zealand Company to these lands so purchased—it appears to me that the Government might fairly say we cannot literally fulfil this agreement, at least we cannot fulfil it as soon as the Company expect that we should; but the mistake has been their own mistake, they have fallen into an error which we have fallen into also. The lands cannot be granted to them, because we find them in the occupation and enjoyment of the natives. But with this exception, as to the particular spot and as to the particular time, the Government is in my opinion bound by the terms of the agreement. I say execute the Treaty of Waitangi in its spirit and in its letter. Do not injure the aborigines in any way; but preserving good faith with them does not necessarily entitle you to break faith with the New Zealand Company. I confess I cannot see the logic of the proposition that it does. And, in expressing my dissent from that proposition, I must be permitted to refer to a letter from the noble Lord the present Colonial Secretary, in which it appears that that noble Lord made an agreement with the New Zealand Company before Governor Fitzroy went out, and that agreement was to the effect that the Company should be allowed to be put at once in possession of the lands, reserving the question of title to be afterwards decided, but giving them merely possession with a *primâ facie* title. But it appears also, that before Captain Fitzroy went out, another correspondence took place between that gallant Officer and the noble Lord, which was wholly concealed from the New Zealand Company. I will not now go into the question of whether that was fair treatment of the Company on the part of the noble Lord or not, but I must take the liberty of alluding to the statement made by the noble Lord in the course of that correspondence. The noble Lord says—

"On the fifth point I quite concur with you, that there is no reason for saying that the Government is indebted to the Company for any given quantity of land; or that any specified quantity of land is due to them from the Government (unless under direct purchases from itself); or that the Government is bound to make compensation to the Company for its expenditure."

Now I consider that the Government, with the exceptions and modifications I have stated, is bound to put the Company in possession of the land, or make compensation to them for not getting it. That is a fair claim on the part of the Company, and I do not think there is anything, either in the Treaty of Waitangi, or in the terms of the agreement, that should relieve the Government from the obligation. I will now state shortly what occurs to me with respect to the course pursued by the local Government. I think the local Government seems to have intended, both under Captain Fitzroy and former Governors, to act honestly and with the most benevolent intentions. They appear to have wished to consult, so far as they could possibly do so, the interests and welfare of the aborigines. It was a strong impression on my mind while at the Colonial Office, as well as upon that of my noble Friend Lord Normanby—an impression that has obtained with every Colonial Secretary, I believe—that the aborigines of many countries have suffered great calamities at the hands of the whites by whom those countries were colonized; and when, in the case of New Zealand, I found that a new Colony was to be formed, my mind was directed to the means of preserving the aboriginal inhabitants, and of securing their welfare and their union with the colonists. Having this impression on my mind, no doubt my instructions tended strongly to enforce on the attention of the Governors a due regard to the interests of the aborigines. It was impossible, I think, at any time, to read the accounts of the miserable remains of the aborigines

in New Holland, North America, and other places, without being touched with horror at the sufferings those unfortunate races must have undergone before they were reduced to their present state. That being the impression of the Government at home, you cannot wonder that the local Government and the Commissioners of Land Claims, and every other person acting with authority in New Zealand, should have been impressed with the same feeling, and be, above all, anxious, in whatever arrangements they might make, to secure the interests of these people. But I own, I think, that those Colonial Authorities, though not erring in point of feeling, though not mistaken in point of good intention, have, nevertheless, erred greatly in point of judgment, in admitting such claims on the part of the natives as we have heard spoken of in the course of this discussion; in admitting every sort of claim—the claims of those who once held the land, but had been driven out by other tribes—the claims of those by whom they were driven out—the claims of slaves in some instances, and of those whose claim was, that they had exterminated those tribes by whom the land was originally held. To entertain claims of such a nature, and enter upon them as if they were to be decided like regular lawsuits, was, in my opinion, a great error in point of judgment and policy. Now, Sir, let the House see what these people are, and what is their character, according to the testimony of an unprejudiced witness against them, the hon. and gallant Member for Westminster (Captain Rous). "I will show you," said that hon. and gallant Officer, "what fine people these aborigines are;" and accordingly he tells us of a certain chief who, in company with one person only, went into the camp of a hostile tribe, and having got away without detection, afterwards returned and exterminated them all. This is the proof the hon. and gallant Officer gives us of the fine feelings of these New Zealand races, and of their high and noble character. [Captain *Rous:* I merely stated it as a proof of the courage of these people.] I by no means intend to deny or undervalue the gallantry and courage of the act; but what I mean to point out is, that this very person, whose character is so lauded by the hon. and gallant Member, did evince all those qualities of horrid barbarity which belong to those races, and that they do desire to exterminate one another; and if we were to write a New Zealand Blackstone, instead of the headings of title by devise, title by marriage, and title by descent, we should have title by "murder," title by "massacre," title by "extermination," and title arising from other horrid circumstances, to which my noble Friend (Lord Howick) referred, but which can scarcely enter into our conception. To examine into all these titles, and to investigate them in all their minute particulars, as you would a title to an estate before the Court of Chancery in London, or before a Judge at York, is, I must say, an absurdity, and shows a great want of judgment. I am not speaking theoretically only on the subject. I wish the House only to advert to the last Papers, printed on the 12th of June, and they will find ample evidence of what have been the consequences of this conduct. There is a letter from Mr. Commissioner Spain—a confidential letter—to the Governor, in which he states the result of his conduct in this respect. It is dated Wellington, the 2nd of July last, and says:—

"Further experience gained during the last six months, while I have been, if not actually residing amongst, yet in constant communication, with the natives respecting disputed claims to land, has led to the confirmation to the fullest extent of the opinion I have before expressed as to the absolute necessity of the introduction into this Colony of a naval and military force sufficiently strong to convince the natives of our power to enforce obedience to the law, and of the utter hopelessness of any attempt on their part at resistance to its execution. I have before so often had occasion to describe the cause which, in my opinion, first led the natives to doubt the justice of our intentions towards, and subsequently to suppose us too weak and too cowardly to attempt any coercive measures against them, that it is now needless to do more than advert to the effects produced; and the present actual state of the natives as regards their opinions of and intentions towards the European settlers. At the same time, I wish your Excellency clearly to understand that I intend my observations to apply to the districts in the South which I have visited, and which may be totally different from the districts in the Northern part of the Colony where the same causes have not existed to produce similar results. In the execution of my official duties as Commissioner in the Settlements of the New Zealand Company, in investigating the claims to land of that body, it has happened that, with scarcely an exception, I have had occasion to decide in favour generally of the natives. This circumstance would fairly

lead to the inference that this race at least would now place confidence in my decisions, and show a disposition to abide by and obey them; but it is with regret that I am compelled to admit that the fact is precisely the reverse of this. In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon, they began to object to accept it, and to propose terms that could not be entertained. In fact, it appears to me that they have determined totally to disregard British law and authority, and that they have come to the conclusion that we are not strong enough to enforce the one or maintain the other."

There is much more to the same purpose in the letter, in which the writer talks of the necessity of sending immediately a great number of soldiers to the Settlement—the absolute necessity, as he says, corroborated by the opinion of a person whom I suppose to be a missionary or a clergyman, of having a large force to support the authority of the Government, or it would be impossible to say what would happen. This is the consequence of want of firmness in not resisting unjust demands. Such conduct appears humane, and generous, and kind; but it is a weak yielding to intimidation and foolish concessions which lead to absurd demands. Such is always the consequence, and especially when you are dealing with savage tribes. When we first went to New Zealand nothing was more respected than our authority. Commissioner Spain's letter says—

"In Wellington, where property was taken that the natives had possessed and enjoyed, they were satisfied with the small amount of compensation that was given them; but on being told by interested parties that they were entitled to more, and that other tribes had got 150 when they had got but 50, and not being able to understand the difference which entitled the one to more than the other, all have become discontented, and that not only with the arrangement as to the land, but with your rule altogether. Governor Fitzroy says he is afraid of an insurrection. He says we have the right of pre-emption; but the natives cannot understand our arrangements. They are discontented, and I am told there will be an insurrection, so I must give up this part of the Treaty of Waitangi."

Again, the custom-house gave a certain amount of revenue; the natives were so discontented at it that the Governor was told there would be an insurrection, so he abandoned the customs. Is that the way in which you can expect to govern any people? Is that the way in which authority can be maintained in any country? No wonder that the chief should say that what he objected to most, was the flag you have hoisted there, and that if you would take it down there would be peace. Why, this chief had intelligence enough to know that by this act you would at once renounce the sovereignty of the Queen over the islands of New Zealand. You have, by the indulgence you have given him, with respect to the land-claims and the customs, and everything else, made him think that there was only one thing that remained, but to leave him in possession of his own country, and renounce the Government. There is, then, a necessity—and the right hon. Gentleman has admitted it this night—that there should be laid down some plan for the future. I wish that the outline which the right hon. Gentleman has given us had precluded the intervention of Parliament. I agree that Parliament should not interfere except in a grave case; but if there be a grave case, it is our bounden duty—it is not merely our choice, or an usurpation, but it is our bounden duty—to see that a Colony, in which 14,000 British settlers are already residing, and in which there are 100,000 natives, should not be injured by any mal-administration. The right hon. Gentleman tells us something with regard to the schemes for the future. With regard to the land, in the first place, it is a singular scheme enough—there is to be a tax on the wild lands, then there is to be registration of all native lands, and nobody knows how it is to be conducted; and then, in addition to a registration, which may not be conducted just so well as that of the Courts of York, there is to be a property tax. If that tax on this wild land be not paid, then is to follow, what the right hon. Gentleman has not mentioned, but which Lord Stanley has directly written, the confiscation of the land. Then those who have surrendered the just rights of the Crown, rights which the Crown possesses in every Colony, those who have abandoned the right of the Crown for fear of the New Zealanders, through the medium of Captain Fitzroy, propose a new Governor, and seek by the device of a tax to take back from the natives what the natives never fairly possessed. Is this stratagem, this roundabout proceeding, the way to produce satisfaction, either amongst the colonists or the

aborigines? Here is what Mr. Spain says:—

"I have travelled over a country where I have found millions of acres of first-rate available land, upon which the human foot had scarcely ever trod, showing the capability of this country for maintaining a very large population."

I have no doubt that the Crown has the right to dispose of that land, and to divide it so as to secure it to the people of this country where they may become settlers, and be the forefathers of a great and powerful Colony, perhaps of a great and powerful nation. If you say that the land is in the first instance to be given up because it belongs to the natives, and then if you take it back again because a tax is not paid on three millions of acres, which never will be paid, the natives will never see the justice of such an arrangement. You have now some idle dream about insurrection; but if you pursue this course a real insurrection is likely to follow such madness and injustice. Sir, the right hon. Gentleman proposes that there shall be municipal law in the Colony. It appeared to me, when the Colony of New Zealand was first founded, and I so stated in my Instructions, that one of the primary measures should be the establishment of municipal government. An ordinance to that effect was, I believe, disallowed by the present Government. I considered that a great misfortune. I stated that a municipal constitution might be a proper prelude to a representative constitution. I regret that this has not been established. But if you propose to make your municipal institution the preliminary to introducing in a year or eighteen months hence a representative constitution, then I say you should fix your capital where the great body of the settlers are fixed; and then have your representative body headed by the Governor and those official persons in whom he can confide, sitting and voting in concert together. I believe, seeing what has been done by Captain Hobson, by Mr. Shortland, and latterly by Captain Fitzroy—blaming Captain Fitzroy, who was appointed by the noble Lord, not more than the two other Governors who were appointed by the preceding Government; but seeing the errors into which they have fallen—the dangers into which they have thrown the Colony, I am of opinion that the voice of the settlers themselves—speaking through their own representatives—can alone extricate you from the difficulties and embarrassments in which the Colony is now plunged. You tell us that Captain Grey is to be the Governor of New Zealand; and herein I differ from those who say that a man who has greater authority, from having had longer experience in command, should be appointed to the office; for I am of opinion that it requires all the vigour of life to enable a man to undergo all the fatigues which any Governor of New Zealand must at present endure. I think, moreover, if you appointed a man of the rank and fame of Sir Henry Pottinger, for example, you must give him absolute authority; you must give him, for a time, despotic power. You could do no less. And I, for one, would rather have a man of inferior rank and name, not having so many years of experience, but assisted by the people of New Zealand themselves, than a person of higher authority who is to wield absolute and despotic authority. Captain Grey I only knew by his public conduct. His reports upon the subject of the aborigines of New South Wales and other places, where he has been, were such as to induce me to ask him to accept the Government of South Australia. I do not believe I ever saw him before he went out to assume his post, and I certainly knew nothing of him previously. But to Captain Grey, in the government of South Australia, was given as difficult a problem in Colonial government as had ever been offered to any man to solve; and judging by the experience we have had of the four or five years he has administered the affairs of that Colony, it appears that he has solved that problem with a degree of energy and success that could hardly have been expected. With a man like that, if you give him good institutions to work with, you may succeed in extricating the Colony from its embarrassments, and in gaining the confidence and good will of the settlers from this country, and of the aboriginal natives. No man, as he has shown by his memoirs, knows better how the aborigines should be trained and formed to civilized usages. But if you send a man of this kind, it is necessary you should send him with none of your petty squabbles to increase his difficulties—not with instructions to bait Colonel Wakefield on this side, or somebody else on the other, which may unfortunately be expected from the present Government, judging from former experience. For these reasons I shall be ready to go with my hon. and learned Friend into Committee upon this subject. But I am not prepared to say that the Resolutions come to

by the Committee of last year—appropriate as they might have been at that time—would be fitting Resolutions for a Committee of the whole House to adopt. In respect to this, differing somewhat from my noble Friend who spoke with so much ability and effect in this debate last night I should say in regard to such Resolutions, censure the past if you please, but look hopefully and deeply also into the future, and frame your Resolutions principally to that. I should look upon such Resolutions as the basis of a free state in New Zealand. I should look to such Resolutions as being calculated to give confidence both to those who are now in New Zealand, and to any of our own people who may be disposed to undertake to settle in that fine Colony. Sir, it is not unworthy of the House of Commons to undertake such a task. It is neither beneath nor above it to undertake this task of Colonial Government. It is, as I believe, and as I have before said, your proper function. If you will not do it, it may well be doubted whether any case of British subjects in our Colonies complaining of grievances, supported by our merchants at home, will meet with redress in this House—whether any case that can be made out, will induce you to pass what the Government have been pleased to declare to be a censure upon their Colleagues. It will be reckoned that rather than pass a censure upon one of the Ministry, you would incur any loss, even that of the Colony. But if you enter into the investigation, I think, at the end of some days of deliberation, you will have to console yourselves with the reflection that, if you have undertaken a task unpalatable to the Government of the day, you have assisted in laying the foundation of a noble Colony—a Colony to form a branch of this mighty Empire, and in future times, to extend the English language, English institutions, English love of liberty, and the English name over distant regions of the globe.

Sir *Robert Peel:* Sir, it would be unfortunate if any differences connected with party considerations, or any conflict that there may have been between the Colonial Department and the New Zealand Company, should divert our attention from the consideration of what is due to the interests of that Colony which is the immediate subject of this discussion. Sir, I willingly admit that the interests of that Colony are recommended to us by many considerations. I look at the extent of that Colony, at its line of coast, at the quantity of land in it capable of cultivation and improvement; I look, above all, at its position and the new importance which it has acquired by the events which have been passing in the Pacific, and by the opening of the trade with China. I agree with the noble Lord (Lord John Russell) that there appears every probability, as far as we can form a judgment, that that Colony, if its interests are duly regarded and its welfare fostered, is destined to occupy a most important station in the world. I agree that its relation to this country is most important. Surveying the unoccupied portion of the globe, I know of no part of that globe more calculated to afford a profitable field for employment to the superabundant population of this country. Every consideration, therefore, I willingly admit, recommends to our careful attention the interests of this infant society. Sir, the question is whether you will leave the charge of these in the hands of the Executive Government, or whether you will to-night assume to the House of Commons the functions of determining on the future government of the Colony? The hon. Gentleman the Member for Liskeard (Mr. Charles Buller) moves that we should go into Committee on this question; and that Gentleman, the most conversant with the affairs of the Colony, proposes fifteen or sixteen Resolutions for their deliberation. But we have been told by those who are going to support him, that these Resolutions are for the most part inapplicable; and that although they will vote for going into Committee, it will be impossible in the Committee for them to acquiesce in his Resolutions. Now, what is the course the Government proposes to pursue under circumstances which I admit to be critical? Disapproving of the conduct of a Governor—for whose personal character I avow I entertain the highest respect—for the difficulties of whose position I own I must make great allowance—we have yet signified, in the most formal and authoritative manner, that his conduct in the administration of affairs we do not approve of; and with reluctance, but in the performance of a necessary duty, we have removed him from a post which he undertook from the highest and most patriotic motives. We have shown, therefore, in the first instance, that we have no desire to consult the feelings and interests of a friend, to the prejudice of the Colony. We have next made, or contemplate making, the appointment of his successor. The policy of that appointment has been

questioned by some; but I apprehend the highest authority with regard to his qualifications must be the noble Lord (Lord John Russell) who selected him for the situation he now fills. And what is the character the noble Lord gives of him? He says that one of the greatest difficulties in Colonial Government that had to be solved was found in the position of South Australia; that he selected Captain Grey to solve that difficulty, and that he entirely succeeded; that difficulties which appeared to be insuperable, were overcome by his discretion, energy, and judgment. We propose now to submit the solution of these yet greater difficulties to Captain Grey. It has been objected that he is too young a man. Well, but at all events he is five years older than he was when the noble Lord selected him, and he undertook the government of South Australia. Moreover, he has had the benefit of the intervening experience in his attempts to solve these great difficulties to which the noble Lord referred. Then, some say, that he is not of high rank enough. As if the native chiefs of New Zealand did not attach more importance to past success, and the character and energy of a man, than to his conventional rank and station. He holds the rank only of Captain in Her Majesty's Army; but he has been eminently successful in rescuing a Colony from difficulty, and therefore we select him for the command. The noble Member for Sunderland may say that we ought to have taken a man of higher rank in the army; but surely the true qualifications for this post are past success, and confidence in the character and judgment of the individual in question. Then it is said that we have not had the benefit of personal communication with him. But I must say, that experience does not show that personal communication is of much use in enabling us to overcome Colonial difficulties. The noble Lord, I presume, had the opportunity of personal communication with Captain Hobson. [Lord *J. Russell:* No; Lord Normanby had.] Oh! the noble Lord surely will not make a distinction between Lord Normanby and himself [Lord *J. Russell:* I had no personal communication with him.] But the Secretary of State in that Government of which the noble Lord was the organ in the House of Commons had. He had also the opportunity of personal communication with Mr. Spain upon the duties of a Land Commissioner; and we had the opportunity of similar communication with Captain Fitzroy. All these opportunities have failed of insuring success. I do not mean to say that personal communication may not be in many cases an advantage; but if you have a Governor administering the affairs of a Colony comparatively near to this, and a man so eminently qualified as Captain Grey, a man who has studied the affairs of the Colony, and has recently written upon the subject with the utmost judgment and good sense, I cannot think that the circumstance of his absence from this country constitutes any disqualification for the command. The noble Lord says, that we shall probably give Captain Grey instructions to enter into disputes and squabbles with Colonel Wakefield on the one side, and somebody else on the other. Really it is very unworthy of the noble Lord to make any such observation. We shall give him the assurance of our entire confidence, and confer upon him all the authority which is consistent with the law and constitution of this country. We shall give him an unfettered discretion, laying down, as far as we can, the general principles by which we think he ought to be guided; but knowing the difficulties existing, of giving instructions from the Government at a distance of so many thousand miles, under the circumstances in which that Colony is placed, the discretion of Captain Grey will be unfettered by any particular instructions. Now, with respect to the future Government of this Colony, I must say, that looking at the distance at which it is removed from the seat of Government at home, and considering the great difficulty of issuing orders for its government in this country, I am for one strongly inclined to think that a representative government will be suited for the condition of the people of that Colony. It has not the objections that might be applied to a Penal Colony; for you have at any rate released New Zealand from the evils attendant on a penal settlement. Speaking, therefore, on general principles, I think the Government of that Colony, in connexion with those immediately interested in its local prosperity, assigning to them the administration of its affairs, is a form of government well adapted for New Zealand. In short, I cannot see what assignable interest you can have, except in the commercial and social prosperity of that Colony. The only possible ground of connexion that can exist will depend upon its being profitable. It is impossible that, at the distance at which

we are, this country can seek any advantage in its connexion with New Zealand, except reciprocal interests; and, above all, the local prosperity of the Colony. At the same time it is impossible to apply without great consideration the principles of representative government to islands where the circumstances are so peculiar. The noble Lord thinks Auckland improperly selected for the seat of Executive Government; but I apprehend there were reasons for its selection, of great weight. I apprehend that, with reference to naval and military considerations, the claims of Auckland were entitled to great consideration. Whether it would be wise to transfer the seat of Government to some other place, is one of those circumstances that must be influenced by local rather than by general considerations; but we ought not to select any other without reference to the general advantage. But, considering the extent of the islands, and the distance of the settlements, it is no easy matter to introduce the principle of representative government, according to the construction we place upon it. It appears to me that by far the best plan would be the formation in the first instance of municipal governments, with extensive powers of local taxation, and meeting all local demands. In the opinion of Mr. Burke, the form of representative government in our North American Colonies grew out of these municipal governments. In, I think, his letter to the Sheriffs of Bristol, he says—

"These representative governments in North America have grown up, I know not how; but there they are. The people who left this country, left it with those feelings of pride, and of love, and attachment to liberty which belong to self-government. They began with municipal institutions. Distance and absence of control gradually nurtured them, so that from small beginnings they grew up into representative assemblies; and there I find them. I will not inspect them too narrowly; I will not inquire too close into their establishment. I believe they are the natural growth of such institutions; and those who have colonies, especially British Colonies, must expect such results."

Now, I am strongly inclined to think that the germ of a representative government in a Colony ought to be in these municipalities, widening their sphere by degrees according as the land becomes settled and peopled; and I doubt whether that would not be a safer mode than that of establishing among so thin a population a representative government that would require deputies from the people of Auckland and of Wellington to meet together, separated as they are by such a great distance. That will be one of the subjects which will be referred to the consideration of the able man whom we have appointed to govern that Colony. I do not think it would be wise to adopt the suggestion of the New Zealand Company to make a proprietary government. I believe the best form of government will be that the Crown here should superintend the external regulations of that country, and that the local Executive Government should manage the internal affairs of the Colony. It would be difficult for the Crown to superintend the relations of the Colony, in conjunction with another party: to have two authorities, the Crown and the Company, each exercising control over the local Government, would be a system never tried, and so anomalous, that I do not think success would attend it. I think but a very short interval would elapse before the local representative Government would deny the authority of the Government at home to control the New Zealand Company, and we should find that it would be no easy matter for the Crown to retain its authority. I think, therefore, that a system of proprietary government, which implies control over the local Government, to be divided with the Crown, would be one from which no good could arise. Sir, with respect to the New Zealand Company, I will say at once, that I think it important to maintain that Company in the full exercise of the power committed to it—I mean the power of settlement. I think in that way it may be made a useful instrument of Government, not exercising any interference with the affairs of the State, and not exercising any control over these matters, but as a great commercial company acting on enlightened principles, and aiding the Executive Government in devising the best and most extended means of emigration, and of adding to the employment required by our surplus population. I do not despair that these relations will yet be established, and that without exercising any powers of the Administration at home, they will subsist as a Company for the future, acting, I trust, in concert and harmony with the Government, and as an useful instrument for promoting the colonization of New Zealand. Now, with respect to the revenue—for we were particularly challenged to state our opinion upon the subject—with respect to the revenue, it is very

difficult, at such a great distance, to do more than to lay down general principles. But I must say, with all my respect for Captain Fitzroy, the abandonment of all revenue constitutes a most serious evil. The customs' regulations should be re-established, if there is no other mode of raising a revenue less onerous to the people of that country. The fact of their having been abandoned does not constitute, in my mind, any objection to their re-establishment. But at this distance from the Colony, and without a knowledge of the circumstances that have occurred, to say that they shall be revived is a matter that must be left to the consideration of him who has been appointed to conduct the Government of the Colony. I say this without any mixture of party feeling; and I may again recur to what I stated at the commencement of my observations, that I should consider it a most unfortunate circumstance if, in the midst of our personal and party conflicts, we permitted the regard that was due to the interests of the Colony to escape our attention. If I wanted any other motive, the sympathy I feel for the settlers, who went out in expectation of finding a prosperous home, would induce me to take this course. Having said thus much, I now come to the Motion of the hon. Gentleman, and which, according to his speech, is intended to fix a censure on the Administration of my noble Friend. Sir, I shall vote against the Motion of the hon. Gentleman, because the Resolutions which the most competent judge of the affairs of New Zealand, who has read more, and written more, with respect to New Zealand than, I believe, any other man in existence — because those seventeen Resolutions which the hon. Member has proposed have nothing better to encourage me to agree to them, than that they are admitted to be inapplicable, by one of the best judges, to the state of affairs in that Colony. That would be enough to make me determine to oppose them. I admit there is one Resolution which has a direct and practical bearing on the case of New Zealand—that which declares that respect should be paid to the Treaty of Waitangi. Everybody says he is ready to respect it; but there is a great difference of opinion as to the mode in which that Treaty should be respected. But, the hon. Gentleman intends his Motion to be a condemnation of my noble Friend. Well, if ever there was a Motion calculated to do injustice to a public servant, that is the Motion. You are judging now of the conduct of my noble Friend by your wishes and feelings with regard to this Colony of New Zealand. You find that it would be advantageous to this country, which I admit, if you were not embarrassed by this Treaty of Waitangi. I say nothing more of it than that it is an absolute engagement, which, according to a proper construction of it, ought to be respected. Whatever are the honourable engagements which this country has contracted, they ought, in my opinion, to be fulfilled. New Zealand is a country, according to the noble Lord (Lord John Russell), and I trust he is justified, destined to brilliant fortunes; but a relation with it would begin under unfortunate auspices, whatever might be its immediate advantages, if it were tainted with a breach of honour. Now, in order that you may judge of the justice of those imputations which have been cast upon my noble Friend, I must recall to your recollection the circumstances under which our connexion with New Zealand commenced. The feelings then entertained were very different from those of the present day; there was a different impression on the public mind with respect to Colonial relations eleven years ago, when your relations with New Zealand began. In 1834, there was a strong feeling in the Parliament and the public of this country, that England was chargeable with injustice in its treatment of the aborigines. That public man whose death has been sincerely lamented by all who admired the devotion of great talents to the cause of humanity —I mean, Sir Fowell Buxton — moved in 1834, in this House an Address to the Crown, to this effect:—

"That, deeply impressed with the duty of acting on the principles of justice and humanity with the native inhabitants of British Colonial settlements, we call upon the Crown to adopt different principles from those which had been heretofore acted upon in some of our Colonial establishments."

In 1836, a Select Committee was appointed at the instance of the same Sir Fowell Buxton; evidence was taken in that year, and a Report was made in 1837—a most full and able document—detailing the result of our relations with the natives in some of our Colonial settlements, which made a deep impression on the country. There was an account of our treatment of them in Newfoundland, of the mode in which the natives of that country, under our connexion

had wasted away from a numerous body, who, according to the reports of former travellers who had visited the Colony for the purpose of hunting, had erected lines of tents of at least thirty miles in length. Now, these, I say, had dwindled away to two or three individuals, who were left in the centre of the island. We had an account of the establishment and progress of our Colony among the Caffres; we had an account of the manner in which the natives of Van Diemen's Land had been transferred to some other island; from the Committee appointed to consider the measures necessary to secure to the native inhabitants the true observance of justice and the protection of their rights. This is one of the observations of the Report:—

"It may be presumed that the native inhabitants of any land have an incontrovertible right to their own soil—a sacred right, however, which appears not to have been understood by this country."

That Report was made in 1837, and in 1839 arose the question whether we should form new relations with New Zealand. The Marquess of Normanby was acting under the influence of the recommendations contained in that Report. It may be said, that he made improvident engagements and wrote unwise despatches. It is as easy for you to lay down these doctrines with respect to Lord Normanby as you are now disposed to condemn Lord Stanley; but be it remembered what was the public feeling in regard to our relations with the aborigines which influenced Lord Normanby in 1839. It was under the influence of those feelings, and in the spirit of which the despatches were written, that your relation with New Zealand was formed, and which now constitutes the difficulty with which Lord Stanley has to contend. The first despatch which Lord Normanby wrote referred expressly—and I cite it as a proof that what I am stating is correct—to the Report of your Select Committee, and your adoption of the principles of that Report, which had made a deep impression on the public mind, with regard to the relations you should establish with the aboriginal natives of any country in which you might form a settlement. It is not then the Executive Government, but you, who are responsible; for you agreed to the Address to the Crown, praying the Crown to protect the rights of the aborigines; you are responsible for the appointment of these Committees; and you are responsible for the doctrines laid down in their Reports, for you adopted them. Well, the question arose, as to establishing fresh relations with New Zealand. Lord Normanby expressly referred to the Report of the Committee. Lord Normanby said—

"I have concurred with that Committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury that must be inflicted on this kingdom itself by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government."

The Report of the Committee had said, that the right of the natives to their country is incontrovertible, and Lord Normanby, in establishing his relations with New Zealand, refers to the Report of the Committee, and states that the right of the people of New Zealand to the soil and sovereignty of the islands is indisputable. Then you acknowledged New Zealand as a sovereign and independent State. Now, I think, that you were wrong in doing so. I think, that you acted under impressions which were no doubt very natural; but, I think, that those impressions induced you and the Executive Government of that period to adopt a course which has weakened your future authority in the Colony, and has proved injurious to the natives. I think, that it would have been much better if we had claimed the right to New Zealand upon the ground of discovery, than to hold it by mere cession. You may say, that you have established your right to the Northern island; but I think, that the cession by chiefs, representing 8,000 inhabitants, is much less binding than our title to it on the ground of discovery. I do not hesitate to say that the Treaty of Waitangi has been a most unwise one, even for the natives. I think it would have been a much better course for us to have asserted the right of sovereignty on the ground of discovery, than to have accepted that sovereignty from the chiefs, and to have negotiated with them for the sale of the lands. These, however, are the engagements which you formed, and by which we must be bound. These are inconvenient, I admit, but you have already sanctioned them. You have held that language through your Secretaries of State, and do you then think it reconcilable with justice that you should now make a victim of my noble Friend the present Secretary of State for

the Colonies, who has but followed up the policy pursued by his predecessors in office? Do not refer to what Lord Stanley wrote in 1842, but look at the instructions that were given by you in 1839 to Captain Hobson to form that Treaty. These are the doctrines which you then held, which I think will fully illustrate the *animus* with which you then acted:—

"The Queen, in common with Her Majesty's predecessors, disclaims for herself every pretence to seize on the island, or to attempt to govern it on the part of Great Britain, unless the free and express approbation of the natives according to established usage be obtained. Her Majesty's Government authorize you to treat with the aborigines for the whole or any part of the island, which they will be willing to place under Her dominion."

Here, then, were the instructions to Captoin Hobson, to accept a partial sovereignty from the chiefs. Now, observe the instructions under which Captain Hobson was acting when he had made the Treaty of Waitangi. Lord Normanby writes:—

"Although the natives may regard your proposal with fear and distrust, these are impediments which may be gradually overcome by your sincerity and intercourse with them."

And who were the auxiliaries that were applied to to assist you in overcoming those difficulties? The missionaries, against whom you may now find it convenient to declaim and to point your attacks. What said Lord Normanby?—

"You will, I trust, find your most powerful auxiliaries among the missionaries, who are highly deserving of your confidence."

I think, after having obtained the assistance of the missionaries to effect your object then, it is now rather hard to turn round upon them, and to denounce them as land-jobbers, and unworthy of that confidence which you were willing to award them at the former period. Lord Normanby went on to say—

"Having by these methods obviated the dangers of the acquisition of large tracts of country by mere land-jobbers, it will be your duty to obtain, by fair and equal contracts with the natives, the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers resorting to New Zealand."

There is, then, no claim here on the part of the Crown to possession of the territory in consequence of sovereignty. But Captain Hobson is not merely directed to treat with the natives, according as the wants of the settlers might arise, for lands not actually enjoyed or occupied by them, but for the waste lands of the islands, with the express admission that those lands were of no value to the natives; for Lord Normanby proceeds:—

"To the natives, or their chiefs, much of the land of the country is of no actual use, and in their hands it possesses scarcely any exchangeable value."

Is it not clear, then, that Lord Normanby's instructions to Captain Hobson were to take the lands, not by any prerogative of the Crown, but by cession from the natives? I cannot avoid contrasting the language you then held in respect to these engagements, with what you now hold. The New Zealand Company state, with respect to these contracts—

"We always have very serious doubts whether the Treaty of Waitangi, made with naked savages by a Consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages."

I believe that there are a good many lawyers in the New Zealand Company, and this may be the language of lawyers; and if you hold this doctrine, you will vote for the Resolutions of the hon. and learned Member for Liskeard; for the hon. and learned Member's Resolutions are founded upon that assumption. But what was the language of statesmen? Was it that those engagements were a praiseworthy device for amusing and pacifying savages? The noble Lord opposite wrote to Captain Hobson as follows:—

"Among the many barbarous tribes with which our extended Colonial Empire brings us into contact in different parts of the globe, there are none whose claims on the protection of the British Crown rest on grounds stronger than those of the New Zealanders. They are not mere wanderers over an extended surface in search of a precarious subsistence, nor tribes of hunters or of herdsmen, but a people among whom the arts of government have made some progress; who have established by their own customs a division and appropriation of the soil; who are not without some measure of agricultural skill, and a certain subordination of ranks, with usages having the character and authority of law. In addition to this, they have been formally recognised by Great Britain as an independent state, and even in assuming the dominion of the country this principle was acknowledged; for it is on the deliberate act and cession of the chiefs, on behalf of the people at large that our title rests."

That was the language held by statesmen. The Treaty was entered into with as much formality as their usages permitted ; and are you now prepared, because you find the engagements onerous and inconvenient—inconvenient not only to yourselves, but injurious to the natives even—are you prepared to disclaim and repudiate the act of statesmen, and to concur with the lawyers that the Treaty is a mere praiseworthy device for amusing and pacifying savages? You must hear these things before you give your votes; you set the example which has been followed by the succeeding Government, and do not attempt to transfer to Lord Stanley the responsibility of your own acts. What has my noble Friend done but carried out your avowed intentions? and, before you condemn him, you must hear the qualifications and reserves under which the natives of New Zealand entered into this engagement. Observe what the Treaty was that was framed under those instructions to Captain Hobson : you cannot escape from that consideration. Captain Hobson reports to the authorities at home, that in pursuance of his instructions, he summoned the native chiefs, whom he appointed to meet him at Mr. Busby's house, at ten o'clock. He goes on to say :—

"Preparatory to the meeting, I had appointed a levee to be held at Mr. Busby's house, at eleven o'clock, to which I invited all the principal European inhabitants, the members of the Church of England and Catholic Missions, and all the officers of this ship, and was highly gratified to find that nearly every one either here or in the neighbourhood, favoured me with their attendance.....I then read the Treaty, a copy of which I have the honour to enclose; and on doing so, I dwelt on each Article, and offered a few remarks explanatory of such passages as they might be supposed not to understand. Mr. Henry Williams, of the Church Missionary Society, did me the favour to interpret, and repeated in the native tongue, sentence by sentence, all I said. When I had finished reading the Treaty, I invited the chiefs to ask explanations on any points they did not comprehend, and to make any observations or remarks on it they pleased. Twenty or thirty chiefs addressed the meeting, five or six of whom opposed me with great violence, and at one period with such effect and so cleverly, that I began to apprehend an unfavourable impression would be produced. Rewewah, while addressing me, turned to the chiefs and said, 'Send the man away ; do not sign the paper ; if you do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed.' That was the language of the opposing chief. At the first pause, Neni came forward and spoke with a degree of natural eloquence that surprised all the Europeans, and evidently turned aside the temporary feeling that had been created against us. He first addressed his own companions. 'Reflect,' he said, 'on your condition. Reflect how much you have been exalted by European intercourse. How impossible it was for you to govern without frequent wars and bloodshed ;' and he concluded by saying they should receive us, and place confidence in our principles."

This, remember, is a dry official Report.

"'You must,' he continued, 'be our father. You must not allow us to become slaves. You must preserve our customs, and never permit our lands to be taken from us.'"

Can you resist such an appeal to your equity and honour? Do not hastily renounce that character for honour and good faith to which this native chief appealed in his eloquent address. He said to the surrounding audience, "Rely on British honour;" and to the British Representative, "you must be our father—take care our lands are not seized on against our will."

"One or two other chiefs who were favourable, followed him in the same train, and one reproached a noisy fellow named Kitigi, of the adverse party, with having spoken rudely to me. Kitigi, stung by the remark, sprang forward and shook me violently by the hand, and I received the salute apparently with equal ardour. This occasioned amongst the natives a general expression of applause, and a loud cheer from the Europeans, in which the natives joined ; and thus the business of the meeting closed ; further consideration of the question being adjourned to Friday at eleven o'clock, leaving, as I said, one clear day to reflect on my proposal."

The consequence was, that the Treaty was signed. These were the circumstances under which this inconvenient Treaty was made ; and I ask will you commence your relations with the Colony by an abandonment of the obligations you have entered into? I will say, that if ever there was a case where the stronger party was obliged by its position to respect the demands of the weaker, if ever a powerful country was bound by its engagements with a weaker, it was the engagement contracted under such circumstances with these native chiefs. Again, I say, you will enter upon a most inexpedient course of proceeding with your colonists, unless you are prepared to fulfil with honour whatever

just engagements you have entered into. The noble Lord said that he had been charged with having formed a contract with the New Zealand Company inconsistent with the Treaty of Waitangi. He was particularly severe on those on this side of the House who had preferred this charge against him; but that was the very charge that had been preferred against him within the last fortnight by the New Zealand Company. It is wrong, perhaps, to attribute to any particular writer the authorship of a document signed by that Company; but I cannot conceive any one could have written this despatch except the Gentleman who made the speech which prefaced the present Resolutions. It displays an intimate knowledge of the affairs of the New Zealand Company; and though signed by the noble Lord the Member for Staffordshire (Lord Ingestre), I think it must have been written by the hon. and learned Gentleman opposite (Mr. C. Buller). It states that it is impossible to reconcile the missionary system and that of the Company; that the missionaries and the Company proceeded on systems directly opposed to each other; and that the Treaty of Waitangi was based on the missionary principle, while Lord John Russell acted on the colonization principle. The charge, therefore, of acting inconsistently with the Treaty of Waitangi is not preferred by us; but, if I am right as to the authorship of this paper, the charge is made by the hon. and learned Gentleman who sits near the noble Lord, and with whom the noble Lord says he is prepared to vote. There is nothing, I admit, inconsistent in the engagements of the contract with the Company and the Treaty of Waitangi, according to the noble Lord's first construction of his own contract. The noble Lord's first construction of the contract was clearly this, that he had understood (that is the phrase) that the New Zealand Company had made large purchases of land of the natives, and that they had an equitable title to land far exceeding in quantity that which the noble Lord proposed to convey to them. If the noble Lord was right in that, and if the New Zealand Company was right, there was nothing in the slightest degree inconsistent, in the Treaty of Waitangi, with the contract. The New Zealand Company said they bought the land; the noble Lord said, "I don't respect the purchase; but this I will undertake, I will assign out of the land you have so purchased, 1,000,000 of acres;" and the noble Lord remained under the impression that that was the contract with the New Zealand Company; and I must say I think the Secretary to the Treasury (Mr. Cardwell) did demonstrate that that was the impression of the noble Lord's agent, Mr. Spain, of the Governor, nay, more, of Colonel Wakefield, until the period arrived when it became necessary to scrutinize the title of the New Zealand Company; and when that moment did arrive, and Mr. Spain began the inquiry, it was found that some other mode of fulfilling the contract must be devised, for the Company could not establish their title to the land. Now, it was the second engagement substituted for the first, that was inconsistent with the Treaty of Waitangi. Did my noble Friend (Lord Stanley) insist on the literal observance of the Treaty? Was it not his wish to deal liberally with the New Zealand Company? The wish of the noble Lord was this, that as the Company had not established a claim to any land, or at least any sufficient quantity of land, to assign to them all he could assign on a conditional title, subject to other parties hereafter proving a preferable title. With my noble Friend's conscientious impressions as to the binding engagements of the Treaty of Waitangi, he could do no more: he said to the Company, "I will permit you within certain limits to choose the land you require, on the condition of a preferable claim not being established hereafter;" the onus of establishing that claim being thrown on the adverse party, and the right of possession being given to this powerful Company. I am bound to say that the noble Lord's intentions were not fulfilled as I think they ought to have been; but you ought not to make him morally responsible for the failure. He had not admitted the claim of the Company as of right, but he consented on the part of the Crown to give it whatever he could give, in substitution for the original understanding. He was prepared to do that which the noble Lord opposite (Lord J. Russell) suggested some time since; he required that the parties should at once proceed to establish their claim to the land. He was ready to take possession on the part of the Crown of all that land to which no valid title was established, and from any land of which the Crown was possessed by a just title, to compensate the Company for the disappointment to which it had been subjected. I leave the House to judge if my noble Friend can be justly charged with

harshness towards the Company. You may censure him for his construction of the Treaty of Waitangi, but it was a *bonâ fide* and conscientious construction. He does not admit the title of the natives to all the waste lands; he admits an obligation on the part of the native chiefs to establish their claim, but, unfortunately, no steps have been taken towards doing it. The noble Lord opposite speaks of registration as if it was like that of Yorkshire or Middlesex. It is nothing of the sort. It is only to establish a valid title to the land which is one of the subjects to which the attention of Captain Grey will be at first directed. But the real question is this—Whether you think it just, after the reference made to engagements entered into, after the instructions given by Lord Normanby, and after the approval of the noble Lord opposite—whether you will now, by affirming these Resolutions, affix a censure on my noble Friend, who has done nothing more, in my opinion, than maintain the honour of the country, by respecting its engagements, and carrying into effect those opinions which, whatever may be the doctrines you now hold, were the opinions of the House of Commons ten years from this period. If the House of Commons, in contradiction to that course, and by a manifest perversion of those doctrines maintained by the Committee on the state of the aborigines, should now affirm that the Treaty of Waitangi enables the Crown to dispossess the chiefs of all their land without full inquiry, you will lower the character of the House in the estimation of all who respect fidelity to public engagements. If you affix a censure on my noble Friend, you will pass a censure on one who has not yielded to the influence of powerful parties, who has not borne in mind that in this New Zealand Company there are men high in character and powerful in influence on this side of the House — who might have procured peace and repose by yielding to applications from those powerful parties—but who has thought it his public duty, with a conscientious regard to what is due to the honour and good faith of this powerful country, to maintain inviolate the engagements which it had contracted, against the interests of the powerful and the strong, by maintaining the guaranteed rights of the weak, the distant, and the unprotected.

Mr. *Charles Buller* in reply: The last observation of the right hon. Gentleman called upon him to inquire as to which party in that House was really maintaining the honour and faith of the British Government towards the weak and unprotected? And he would say, that if he wished to pillage the weak and repudiate the Treaty, he would rather come forward boldly and say so, than he would have recourse to the miserable shuffling of the Colonial Office. He had said by anticipation in his opening speech, that it was Pennsylvanian repudiation without its openness, and he now repeated that assertion. The right hon. Baronet had repeated all the flummery about the Treaty, and insisted on the most rigid construction of it; and he then said he would call upon the native, first, to establish his title in a court of claims, next to register his property, and if he failed in establishing his claims before such a court, and failed, too, in the formalities of registration, he would put on a wild and waste land tax, and would tax him for the land which his fathers had handed down to him for generations in that state, and thereby obtain possession of a considerable quantity of land. He would tell him fairly that he believed it would have a much better effect upon the character of Great Britain if he would say at once that he would not observe the Treaty of Waitangi, than, with all this parade, to—

> "Keep the word of promise to the ear,
> And break it to the hope."

He would venture to say that there never had been proposed so audacious a violation of the faith and honour of a nation as in the cession of a foreign country—when the property of individuals in such conquered country had been guaranteed to them by a Treaty of Cession—as the then turning round and putting upon these people a tax of which the avowed object was to confiscate the land. But then the right hon. Baronet said, that those who might support the Resolutions which he (Mr. Buller) had proposed, would be adopting the language which the New Zealand Company had used. The First Resolution said that the Treaty of Waitangi was a part of a series of injudicious proceedings which had commenced several years previous to Captain Hobson's assumption of the local Government. That was the strongest condemnation of the Treaty of Waitangi; and he would ask what the right hon. Baronet said about it himself? If they would go into Committee, and the right hon. Baronet would preserve his consistency with the speech which he had made, he would be

bound to vote for that Resolution; for he also said that the Treaty of Waitangi was a most injudicious proceeding. He wanted to know what he had laid down which should alarm the most sensitive person about the Treaty of Waitangi? He had said that a more absurd comedy had never been acted than the whole of those proceedings, and he had the right hon. Baronet agreeing with him. He had not said that the Treaty should not be observed, nor had he contended that its maintenance would affect the interests which he advocated; for he had stated that if any fair interpretation was put upon the Treaty, it would not be found inconsistent with the doctrines which he had laid down. The Second Resolution stated—

"That the acknowledgment of a right of property on the part of the natives of New Zealand, in all wild land in their islands, after the Sovereignty had been assumed by Her Majesty, was not essential to the true construction of the Treaty of Waitangi, and was an error which had been productive of very injurious consequences."

He did not think that he should very far differ in opinion from the right hon. Baronet when he expressed his opinion in accordance with that of the Committee, that the interpretation which had been put upon the Treaty of Waitangi had been productive of very injurious consequences. It was absurd to treat the natives as being the exclusive owners of so vast a quantity of land which they had never cultivated or used. The Clause in the Treaty which gave the pre-emptive right to the Crown was of as much importance as the Clauses which regarded the rights of the natives. That Clause was well meant; it was devised to protect the interests of the natives, it was meant to guard them against the most avaricious system of dealing with a savage race, which had always ended in their extermination. The right hon. Baronet said he was determined to act on the Treaty of Waitangi. Then let him do it honestly, and provide a certain sum of money, and tell his representatives that he did not mean to delay about this matter any longer; let him avail himself of the pre-emptive right which the Crown had to purchase the land, and prevent the natives from selling it to any one else. That was what he called an honest mode. But the dishonest mode was coming after your Treaty and clapping on a land tax, for the purpose of confiscating the land on which it could not be paid. They were about to establish a regular registration of lands, and of the titles to lands of native chiefs. And all these rights and titles of occupancy and emigration, and above all the right and title of killing and eating—these were the rights which they proposed to investigate; and these monstrosities and barbarisms, which denoted the absence of all law, they were going to establish as forms of law, in a court established for that purpose in New Zealand. He said, take any plan but that—take the bold plan of pitching the Treaty of Waitangi into the sea, rather than have recourse to a plan which would make people say that that Treaty they intended to violate secretly and by stealth, because they did not dare openly and honestly to renounce it. He rested the agreement of 1840 on two things besides the words of that agreement. One of these which he had adduced in his opening speech, no Gentleman on the other side of the House had at all alluded to. The bargain was, that on producing certain expenditure before an accountant, they were to have a grant of land. The Company proved that expenditure before an accountant. They went before the noble Lord, then Secretary for the Colonies. That noble Lord issued instructions forthwith to the then Governor of the Colony to make the stipulated grant of lands. But he rested his case upon a still stronger ground. It was impossible, satisfactorily, to discuss matters like these in this House. Acknowledging that truth, the House had already referred the subject to a competent tribunal, formed of its own Members. That Committee made a Report, and the fourth Resolution which they came to was to the effect that the New Zealand Company had a right to expect to be put in possession of the number of acres awarded by Mr. Pennington with the least possible delay. Now he asked them whether they thought themselves competent to overturn the decision of this Committee, composed as it was of men of honour, influenced by no party feelings, and who after weeks of investigation had come to their decision? These were the grounds on which the agreement of 1840 rested. But not a word had been said about the agreement of May, 1843. Then they had made an agreement with Lord Stanley, that they were forthwith to have from Captain Fitzroy a conditional grant, giving them a *primâ facie* title to lands to be selected by their agents. The virtue of this agreement was in its immediate application. But it was never ap-

plied, and all the satisfaction they could get was a cool statement from the Government that, with reference to the matter, the conduct of Captain Fitzroy had not met with their approbation. That was all the explanation which they could obtain, after making a bargain with Government, and trusting for its execution to the honour, good faith, and good sense of the Government Agent. It was said that the land had not been selected by the Company's agents. Why, they had selected 60,000 acres in New Plymouth; and then the Governor stepped coolly in and told them they should only have 3,500 acres, and that on condition of their paying for them over again. Government had stated their views, however, upon the still more important subject of their future policy towards New Zealand. First, they were told that the colonists were to be protected by a regiment to be sent out for the purpose. Then they heard that the land was to be recovered by the worst possible means. But what guarantee had they that the same misconduct which had plunged the Colony into its present condition, would not be renewed? One such guarantee would undoubtedly be representative government; and had the right hon. Gentleman, the First Lord of the Treasury, given a distinct pledge that the people of New Zealand would be allowed to have a voice in the imposition of the taxes which they paid, and in the making of the laws which they obeyed—that pledge would have greatly diminished his desire to press his Resolutions. But Government gave no guarantee upon the subject. He could not deny the conciliatory tone of the right hon. Gentleman the Prime Minister; and he believed that neither he, nor any of his Colleagues, had tried to mislead the House as to the late government of New Zealand. They had fairly thrown it overboard. He was obliged for that. He thought that the course thus adopted was the best and the most candid one which they could take; but he did not think that they had given any guarantee for the future government of New Zealand; and he must therefore call on them, notwithstanding the intimation that this would be made a Government question, and the hint that after all the trying votes which hon. Gentlemen had given to extricate the Ministry from awkward situations, they must not stick at the present one; notwithstanding all this, he relied on the fairness and good feeling of the House to do justice in this case, and respect the weakness of distant and unprotected Colonies.

The House divided on Mr. Buller's Motion.—Ayes, 173: Noes 223; Majority 50.

List of the Ayes.

Aglionby, H. A.	Gardner, J. D.
Aldam, W.	Gibson, T. M.
Anson, hon. Col.	Gill, T.
Bannerman, A.	Gore, hon. R.
Barclay, D.	Granger, T. C.
Barkly, H.	Gregory, W. H.
Baring, rt. hon. F. T.	Grey, rt. hon. Sir G.
Barron, Sir H. W.	Guest, Sir J.
Bellew, R. M.	Hanmer, Sir J.
Berkeley, hon. C.	Hastie, A.
Berkeley, hon. Capt.	Hawes, B.
Berkeley, hon. H. F.	Hayter, W. G.
Bernal, R.	Heathcote, G. J.
Bowes, J.	Heneage, E.
Bowring, Dr.	Herron, Sir R.
Bright, J.	Hill, Lord M.
Brotherton, J.	Hindley, C.
Bulkeley, Sir R. B. W.	Hobhouse, rt. hon. Sir J.
Buller, E.	Hollond, R.
Busfeild, W.	Horseman, E.
Butler, P. S.	Howard, hn. C. W. G.
Byng, G.	Howard, hon. J. K.
Byng, rt. hon. G. S.	Howard, hon. E. G. G.
Chapman, B.	Howard, P. H.
Charteris, hon. F.	Howard, hon. H.
Christie, W. D.	Howard, Sir R.
Clay, Sir W.	Howick, Visct.
Clive, E. B.	Humphery, Ald.
Cobden, R.	Hutt, W.
Colborne, hn. W. N. R.	Ingestre, Visct.
Colebrooke, Sir T. E.	Jervis, J.
Copeland, Ald.	Labouchere, rt. hn. H.
Courtenay, Lord	Langston, J. H.
Craig, W. G.	Layard, Capt.
Currie, R.	Listowel, Earl of
Dalmeny, Lord	Macaulay, rt. hon. T. B.
Dalrymple, Capt.	M'Taggart, Sir J.
Dawson, hon. T. V.	Mangles, R. D.
Denison, W. J.	Manners, Lord J.
Denison, J. E.	Marjoribanks, S.
Dennistoun, J.	Marsland, H.
D'Israeli, B.	Martin, J.
Duff, J.	Matheson, J.
Duncan, Visct.	Maule, rt. hon. F.
Duncan, G.	Mitcalfe, H.
Duncannon, Visct.	Mitchell, T. A.
Duncombe, T.	Morrison, J.
Dundas, F.	Muntz, G. F.
Dundas, D.	Murray, A.
Easthope, Sir J.	Napier, Sir C.
Ebrington, Visct.	O'Brien, J.
Egerton, Lord F.	O'Connell, M. J.
Ellice, rt. hon. E.	O'Conor Don
Ellice, E.	Ogle, S. C. H.
Etwall, R.	Ord, W.
Evans, W.	Oswald, J.
Ewart, W.	Paget, Col.
Ferguson, Col.	Paget, Lord A.
Fitzroy, Lord C.	Palmerston, Visct.
Forster, M.	Parker, J.

Pattison, J.
Pendarves, E. W. W.
Philips, G. R.
Plumridge, Capt.
Polhill, F.
Ponsonby, hn. C.F.C.
Protheroe, E.
Pryse, P.
Pulsford, R.
Rawdon, Col.
Redington, T. N.
Repton, G. W. J.
Roche, E. B.
Roebuck, J. A.
Ross, D. R.
Russell, Lord J.
Russell, Lord E.
Scott, R.
Scott, hon. F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, B.
Smith, J. A.
Somerville, Sir W. M.
Somes, J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thompson, Ald.
Tollemache, hon. F. J.
Tower, C.
Trelawny, J. S.
Troubridge, Sir E. T.
Vane, Lord H.
Vivian, J. H.
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshire, W.
Wood, C.
Worsley, Lord
Wrightson, W. B.
Wyse, T.

TELLERS.

Buller, C.
Milnes, M.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Astell, W.
Bailey, J., jun.
Baillie, Col.
Baird, W.
Baldwin, B.
Baring, T.
Baring, rt. hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bell, M.
Bentinck, Lord G.
Bernard, Visct.
Blackburn, J. I.
Blackstone, W. S.
Blakemore, R.
Bodkin, W. S.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Boyd, J.
Bradshaw, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, J. H.
Cardwell, E.
Carnegie, hon. Capt.
Castlereagh, Visct.
Chelsea, Visct.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Cole, hon. H. A.
Collett, W. R.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Connolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, H.
Davies, D. A. S.
Dawnay, hon. W. H.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Drummond, H. H.
Du Pre, C. G.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Entwisle, W.
Escott, B.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forester, hon. G. C. W.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Harris, hon. Capt.
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Hervey, Lord A.
Hill, Lord E.
Hinde, J. H.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Hughes, W. B.
Hussey, A.
Hussey, T.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Kelly, F.
Kemble, H.
Kirk, P.
Knight, F. W.
Knightley, Sir C.
Lawson, A.
Lennox, Lord A.
Leslie, C. P.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
M'Neill, D.
Mahon, Visct.
Manners, Lord C. S.
March, Earl of
Martin, C. W.
Martin, T. B.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Mordaunt, Sir J.
Mundy, E. M.
Neeld, J.
Neville, R.
Nicholl, rt. hn. J.
Norreys, Lord
Ossulston, Lord
Oswald, A.
Packe, C. W.
Packington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pigot, Sir R.
Pollington, Visct.
Pringle, A.
Rashleigh, W.
Richards, R.
Rolleston, Col.
Rous, hon. Capt.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Shirley, E. P.
Smith, rt. hn. T. B. C.
Smollett, A.
Smythe, Sir H.
Somerset, Lord G.
Somerton, Lord
Sotheron, T. H. S.
Spooner, R.
Stewart, J.
Stuart, H.
Sturt, H. C.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.

Tomline, G.	Wodehouse, E.
Trench, Sir F. W.	Wood, Col.
Trevor, hon. G. R.	Wood, Col. T.
Trollope, Sir J.	Wortley, hon. J. S.
Vernon, G. H.	Wortley, hon. J. S.
Vesey, hon. T.	Wynne, Sir W. W.
Villiers, Visct.	Yorke, hon. E. T.
Vivian, J. E.	TELLERS.
Welby, G. E.	Young, J.
Wellesley, Lord C.	Baring, H.

Paired off.

AYES.	NOES.
White, H.	Alexander, N.
Arundel, Lord	Bagot, hon. W.
James, W.	Bailey, J.
Collins, W.	Barneby, J.
Osborne, B.	Bateson, T.
Leader, J. T.	Botfield, B.
Villiers, hon. C.	Brownrigg, J. S.
Tufnell, H.	Bruce, C.
O'Brien, C.	Cochrane, A.
Morison, Gen.	Dodd, G.
Acheson, Visct.	Dugdale, W. S.
Johnson, Gen.	Duncombe, hon. W.
O'Ferrall, R. M.	Duncombe, hon. O.
Reid, Sir J. R.	Elphinstone, H.
Stanton, W. H.	Estcourt, T. G.
Standish, C.	Forbes, W.
Ricardo, L.	Fuller, A. E.
Ramsbottom, J.	Heathcote, Sir W.
Lyall, G.	Hodgson, F.
White, S.	Hodgson, R.
Fielden, J.	Houldsworth, T.
Hallyburton, Lord J.	Jolliffe, Sir W. H.
Cayley, E. S.	Knightly, H. G.
Lemon, Sir C.	Legh, G. S.
Attwood, M.	Loftus Visct.
Bell, J.	Lindsay, H. H.
Stewart, P. M.	Maclean, D.
Gisborne, T.	Marton, G.
Philips, M.	Maunsell, T. P.
Archbold, R.	Morgan, O.
Dundas, W. D.	Morgan, C.
Clements, Lord	Neeld, J.
Loch, J.	Northland, Visct.
Duke, Sir J.	Praed, W. J.
Phillpots, J.	Price, R.
Pechell, Capt.	Round, C. G.
D'Eyncourt,rt.hn.C.T.	Round, J.
Barnard, E. G.	Sheppard, T.
Fox, Col.	Shirley, E. J.
Rice, E. R.	Spry, Sir S. T.
Rutherfurd, A.	Stanley, E.
Murphy, Serg.	Sutton, hon. H. M.
Hume, J.	Wynn, rt. hon. C.

House adjourned at a quarter to three o'clock.

HOUSE OF COMMONS,

Friday, June 20, 1845.

MINUTES.] BILLS. *Public.*—2°· Assessed Taxes Composition; Bills of Exchange; Merchant Seamen.

Private.—2°· Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester and Grand Junction Railway Companies Amalgamation.

Reported.—Cork and Bandon Railway (re-committed).

3°· and passed:—London and Brighton Railway (Horsham Branch); Eastern Union Railway; North Wales Mineral Railway.

PETITIONS PRESENTED. By Sir T. Acland, from several places, in favour of the Ten Hours System in Factories.—By Admiral Bowles, from Members of the Committee of Governors of the Incorporation of the Seamen's Hospital Society, for Alteration of Merchant Seamen's Fund Bill.—By Sir J. Hobhouse, from Nottingham, for Alteration of Parochial Settlement Bill.—By Mr. Astell, from Luton and Woburn, in favour of Physic and Surgery Bill.

BROAD AND NARROW GAUGE—OXFORD AND WOLVERHAMPTON RAILWAY.] Lord *Ingestre*, in rising to move the reception of the Report on the Oxford, Worcester, and Wolverhampton Railway Bill, said that he had given the comparative merits of the broad and narrow gauges his best consideration; and he had no hesitation in giving his opinion that the former was the best. The matter was one of national interest, and also of local interest to the county which he represented; and on both accounts he considered the broad gauge was the preferable one of the two. The House also should be cautious how they upset the verdict of a Committee of that House. He would move at once that the Report of the Committee on the Oxford, Worcester, and Wolverhampton Railway Bill be brought up.

Report brought up. On the Motion that the Amendments made by the Committee be read a second time,

Mr. *Cobden* rose to move, as an Amendment to the Motion of the noble Lord—

"That an humble Address be presented to Her Majesty, to issue a Commission to inquire whether, in all future Acts for the construction of Railways, provision ought to be made for securing one uniform gauge, and whether it would be practicable and expedient to bring existing Lines of Railway in Great Britain, and Lines now in course of construction, into uniformity of gauge; and, if so, to report upon the best mode of carrying these objects into effect in the present Session of Parliament."

He said, this was not merely a question of a particular line; it involved an important principle. They could not disguise the fact, that out of the House the proceedings of that night were looked to with great anxiety; and the crowded state of the benches within showed that the House itself looked upon it as nothing less than a national question. It was a most important question, and ought not to be decided rashly, or without due deliberation.

This was, perhaps, the most important question that had yet arisen in the course of railway legislation, and of the greatest national importance. They had fallen into a great error, in railway legislation, in not laying down a proper system for the regulation of railways. It was, however, a remarkable fact, that in the early stage of railways they took steps to secure an uniformity of gauge. In the London and Birmingham, and in the Grand Junction Railway Bills, clauses were introduced providing that the gauges should be uniform. But when railway communication was extended into the south of England, this principle was departed from, and a different gauge adopted. There were two questions involved in this subject. First, the prevention of injury to the passengers and traffic from the want of uniformity in the gauge; and, second, the possibility of bringing the existing lines of railway into one uniform system. They were all, he was sure, agreed on the necessity of having only one gauge. There could be none but what admitted that two gauges were mischievous. They produced the greatest inconvenience to passengers and traffic, and would interfere with the traffic going forward in all parts of the country, unless steps were taken to avert the evil. In the Midland Counties, in Oxfordshire, Worcester, Warwickshire, and Gloucestershire, there was a war on the subject of the gauges at present raging. Now, in those counties there was yet a vast area not supplied by railways; and it was here that the battle was going forward—the London and Birmingham, and the Great Western Companies contending which should occupy the vacant space. It was, therefore, a most important question, which should be discussed substantively, and not be decided by a side-wind during the progress of a particular Bill. The war would go forward, gathering strength, unless they stepped in and settled the question. Not only in the Midland Counties was the contest going forward, but it was extending itself to Somersetshire, Wiltshire, and Dorsetshire, where as yet railways had made but slight progress. Well, now they had projects for new lines in connexion with the Great Western. There was a line from Southampton to Salisbury, which was nearly completed, and there was another from Bath to Bristol. But if these lines should be completed according to the present plan, the inconvenience would arise of transhipment from the Salisbury line to get on to the Bath line; and that was a monstrous evil. In Dorsetshire it was the same; and he understood that a line now about to be made in Wales would cause a like inconvenience, by reason of the narrow and broad gauges coming in contact. For these reasons, he did think there could not be a second opinion as to the necessity of having a uniform gauge. He knew there were some hon. Members in the House who would go so far as to argue that it was no inconvenience to tranship goods from one line of carriages to another; but, surely, it would not for a moment be argued that it was no inconvenience to remove loads of coals, or droves of cattle, from one train of carriages to another. He believed that a greater annoyance or inconvenience could not be conceived. Well, then, that fact being admitted, the question lay between the broad and narrow gauges; and let him call attention to the fact, that the narrow gauge was the first one on which railways were constructed; and at the present moment there were more railways constructed upon the narrow than on the broad gauge, while the projected lines were ten to one in favour of the narrow gauge. He believed the proportion of railways constructed to be 1,000 miles broad gauge, and 3,000 narrow gauge. On these grounds alone, he did think the narrow gauge should have the first consideration. What were the objections to the narrow gauge? They were not in a position now to delay the question between them; and even if there were a preponderance of utility of the broad over the narrow gauge, they were not, he repeated, in a position to defer the settlement of this question. But what was the objection to the narrow gauge? It had existed in this country for fifteen years. It was general throughout America, and there the width of the rails, instead of being as in this country, four feet eight and a half inches, was but four feet six inches. It was common in France, in Belgium, and, he might say, over the Continent, with the single exception of Russia. Well, then, they had ample experience on the subject. There had been no accident, he believed, that could be really attributed to the narrowness of the gauge. They had had experience of its use, and its spread was so extensive, that they were not now in a position to interfere with it. If, at this time, they were attempting to conform their narrow to their broad gauges, they would require to alter their tunnels, their

viaducts, their embankments, and, perhaps, most difficult of all, their bridges, and that, in some cases, would be altogether impossible. They might come to this House for power to do so. But if the broad gauge were made conformatory to the narrow gauge, it would be most expedient. This would require no alteration of tunnels, of viaducts, of embankments, or of bridges; nothing would be required but an alteration of the rails and carriages. Well, this, he said, was the proper time to legislate upon the subject. He was aware that it would be a hard matter to interfere by a legislative enactment to compel the Great Western Railway to conform to the narrow gauge. But he contended that the evil would be less felt at that time than at any future period. They were now going on constructing railways, and they would in all probability live to see railways wherever turnpike roads at present existed. The railway combined the advantages of turnpike roads and canals; the expense of transit was less, and they were still going on improving the construction of them. They were five times as speedy as the one, and ten times as speedy as the other. They did not now experience the difficulties which had attended the construction of the Liverpool and Manchester Railway. Could there be any doubt, then, that soon they would have railways over all parts of the country, and were they to risk the inconvenience of these rival gauges without endeavouring to find some means of remedying the evil? He was sure that, looking at the subject, the House would say, and he agreed in the opinion, that the Report of the Committee should not be lightly set aside; and it would only be on a subject of such paramount importance that he should ask the House to reverse the decision of the Committee. But this was a question which must be met soon, and he was anxious that the House should meet it on the present occasion. He was sure that no hon. Member would reproach the Committee for the decision to which they had come; and he would say that the Committees as now constituted (and he knew, for he had sat on one for a month past), approached as nearly, as regarded probity, to perfection as they possibly could do. He did not mean to impugn the decision of the Committee. His object was not to inquire into the reason which had moved them to their decision; but still, on the grounds of an impartial consideration of the public interests, he thought, that the decision might be reviewed by the House, and their Resolution altered, without an infringement of the respect that was due to the Committee. He was ready to allow that their decision would be, whether the House were to blindly follow the Committee's decision, or take into consideration the evidence which had enabled the Committee to come at their conclusions for the guidance of the House. This was a matter of importance; for the question was, not whether a present convenience or inconvenience was to be satisfied, but how they were to provide for the welfare of future generations? The hon. Member concluded by submitting his Motion.

Colonel *Wood*, in seconding the Motion, said, that, although he did not often agree in opnion with the hon. Member for Stockport, he had great pleasure in supporting his views on the present occasion. This was a question on which all parties might amicably meet. It was neutral ground, on which they were prepared to state their opinions; but having examined the elements on which the Committee had founded their Report, he hoped that he was not transgressing his usual principle in opposing the decision which had been laid before the House. In doing this he would impress on the Committee that he intended no disrespect in seconding the Motion of the hon. Member opposite. But there were other reasons why he should ask for a consideration, or, rather, a reconsideration of this Motion. The five Gentlemen on this Committee had refused their adherence to the recommendation of the Board of Trade, which was in conformity with the side of the question he had taken. The five Gentlemen of that Committee had stated their reasons for preferring the broad gauge to the narrow gauge. The Committee had taken an interest in this question which was highly creditable to them; but they had not calculated on the interest which it was likely to excite in others who were Members of that House. It was true, that they had considered the inconvenience of the narrow gauge, and an immense amount of time and money had been expended in endeavouring to ascertain the respective merits of the two gauges; but it appeared to him that the Committee had come to their decision, and determined between the two gauges from strong *ex-parte* reasons. The future was, however, so full of importance that he thought they might well review their decision; and the judgment of the Board of Trade was so important that it

ought not to be set aside without sufficient consideration. He thought, therefore, that the House were interested in the fact, that their Report had been made, and that it ought, in some degree, at least, to be relied on. The Committee had reported that the broad gauge was preferable to the narrow gauge. The Board of Trade was in favour of the narrow gauge. There were many reasons which perhaps might be urged in favour of both lines. He was quite satisfied, as far as speed and the saving of time was concerned, the broad gauge was preferable. In the conveyance of some kinds of traffic, however, speed was not the principal object to be attained. For instance, coals would not have a very swift transmission, and in this instance the broad gauge would be objectionable, as the rapidity of the motion would tend to chip the coal, and break it into small pieces, and spoil it for a profitable market. Another article of traffic that would be injured by a speedy motion was limestone. This would not bear rapid motion. There were many points on which the narrow gauge was superior to the broad gauge; and again, in some instances, the broad was preferable to the narrow gauge. He entirely approved of the appointment of a Commission of Inquiry.

Mr. *Shaw* said, as Chairman of the Committee whose Report was then under consideration, he felt called upon to make a few observations. He would rather have reserved himself until he should have heard all the objections taken to the decision or Report of the Committee; but he observed such an unusually large attendance of Members, that he could not but suspect that some of them were not very thoroughly acquainted with the merits of the question upon which they were about to vote; and he would, therefore, take that early opportunity of briefly stating to the House what the Committee had done, and also what he considered of almost more importance in the present instance—what the Committee were erroneously supposed to have done, but what they, in fact, had not done. To take the latter first; great excitement prevailed out of doors with reference to the question of the broad and narrow gauges, and it was imagined that the decision of the Committee turned upon the relative merits of the two gauges; but it was no such thing—they had carefully abstained from even intimating an opinion upon that point. It was unnecessary, and he thought would therefore have been unwise to have done so; and, had it been necessary, would have been extremely difficult; for not only did no two of the engineers examined agree upon which was the best narrow, or which the best broad gauge, but not even one—though he, as Chairman, asked the question of every engineer examined — not one engineer would commit himself to a positive opinion what would now be the best width of gauge to adopt generally for the whole country, supposing the matter was *res integra*, and that it was possible to have one general uniform gauge. The hon. Member for Stockport (Mr. Cobden) had a Notice on the Paper for a Select Committee of the House, to inquire and report upon that question. He confessed that he was surprised to find that evening, that the hon. Member had moved it as an Amendment to the present Bill. The hon. Member was more simple-minded than he could pretend to be, in supposing that the large attendance of Members present was on national grounds, and on account of the public interest involved in establishing one general uniform width of gauge for the entire kingdom. He feared the hon. Member would subject himself to some suspicion likewise of other than a public and national object, when he brought forward a Motion that might very fairly be considered in that light, if submitted to the House in a substantive form, as a question of general interest, and as such deserving the consideration of the House upon its own merits; but which was most unreasonable to use as a side-wind, by which to upset a particular measure essentially belonging to the department of Private Business, and when a private party, at the cost of thousands—or, more probably, tens of thousands—of pounds, had brought the Bill to a forward stage, there to stop it; and, as it were, at the expense of that private party, institute an inquiry for the public good. He was persuaded the House would never sanction such a course. Have a public inquiry on public grounds, if the House thought fit; but do not suffer it to be by way of obstruction to private interests. He believed, from the evidence given before the Committee, that the subject had not yet been sufficiently tested by experience to enable even a Select Committee of the House, appointed for that sole purpose, to come to a satisfactory conclusion what the uniform gauge ought to be, although it would be easy to decide what was obvious—that a uniformity of gauge,

if practicable, would be convenient and desirable. He believed that the preponderance of evidence would be, that the four-feet eight and a half inch gauge was rather narrower, and the seven feet wider than what should be established; but, as fluctuating between those two breadths, that the greatest difficulty would be experienced in fixing one uniform gauge. Upon that subject the House would find an interesting correspondence of General Pasley—published last year amongst the Papers of the House—from which it might be collected that a gauge between five feet and five feet six inches was the most recommended. That was, however, for such a Committee, if the House should grant it independently of that Bill, as was proposed by the hon. Member; but the particular Railway Committee over which he had presided had not to do with that abstract question, but their duty was practically to deal with the existing state of things—and that was, that two large portions of the kingdom were occupied one by the narrow, the other by the broad gauge, in the proportion of—between railways made and in progress, in round numbers, about 3,000 miles on the narrow, and 1,000 on the broad gauge. The Committee could act upon no such absurd speculation as that one or other of these great systems should be broken up in order to produce uniformity—and even then the remaining gauge would, probably, not be the best. Or again, it was urged that the broad gauge should not be allowed up into the narrow gauge territory; but then, to be just, if the Committee said that, on the one hand, they must say on the other, that the narrow should not be allowed to go down into the territory of the broad—the practical effect of which would be, that a large district of country lying intermediate between the London and Birmingham line on the north, and the Great Western on the south, must be left without railway communication at all; but the Committee agreed with the Board of Trade in thinking that that district was entitled to railway communication. There were for the purpose of supplying such communication two sets of schemes or competing lines proposed—one by the London and Birmingham Company, on the narrow gauge; another by the Great Western, on the broad. The Committee decided between these two competing lines upon a full consideration of their relative merits; but were not influenced by any opinion of the relative merits of the two different gauges upon which they happened to be. They assumed both companies to be equally worthy, and either gauge to be sufficiently applicable for all the practical purposes of the proposed lines. They did not overlook the inconvenience of a change or break of gauge; wherever it should occur, but they felt it must occur somewhere, and they found by the evidence laid before them, a considerable portion of which on that point consisted of new facts that could not have been before the Board of Trade, that the amount of the inconvenience of the break of gauge would be much less, and the remedies for meeting it where it must exist more effectual, than had been anticipated by the Board of Trade. For example, the Board of Trade assumed, in the fourth page of their Report, that if the Great Western line were approved, the Birmingham and Gloucester railway must necessarily adopt the broad gauge from Gloucester to Birmingham; but since then that railway, as well as the Gloucester and Bristol, had fallen into hands which would prevent any such consequence; and, on the contrary, insure a narrow gauge railway from Birmingham to Bristol in any event, thereby securing an unbroken narrow gauge for all the northern traffic to the great shipping port of Bristol—one of the principal arguments set forth in the Board of Trade Report in favour of the London and Birmingham scheme. Again, it was not then contemplated, but since had been determined by the Great Western Company, to lay down two lines, one on the broad and another on the narrow gauge, from Worcester to Wolverhampton, thus affording that district, which included the iron and coal-fields of South Staffordshire, an uninterrupted gauge each way to the north by the narrow, and to the south by the broad gauge. The amount of break of gauge was therefore considerably reduced, and where it must occur, mechanical contrivances were proved to have been constructed which would greatly diminish the evil; but the proof of which there had been no opportunity of submitting to the Board of Trade. He had, then, shown that the opinion of the Committee had in no degree been founded on the relative merits of the two gauges, and that due consideration had been bestowed upon the inconvenience of the interruption of gauge wherever it took place. But the decision of the Committee was mainly influenced by other and larger considerations. The

first was, the manifest superiority as a line of communication, of the railway the Committee reported in favour of, over the one they reported against. It was impossible to look at the map without seeing it. The one led directly from point to point, saving between the two principal towns of the district—Worcester and Oxford—a distance of fifteen miles. The other was indirect, circuitous, and between these two points that much longer. The Great Western line was the first in the field, put forward with the *bonâ fide* view of drawing new traffic to their main trunk line, and which, therefore, it would be always their interest to work efficiently. The London and Birmingham line was evidently drawn forth as a defensive scheme; and, without imputing to either less of public spirit than animated the other, it would obviously be less the private interest of the London and Birmingham Company to work their line efficiently, because it would be rather drawing off traffic than bringing it to their main trunk. Another very important consideration was the public advantage on the ground of competition. He was aware that the principle of competition was somewhat different in its application to railways and to ordinary subjects; and that therefore regulation had necessarily, in many cases of railways, to be substituted for competition. He believed that what was in railway phraseology termed "side by side" competition, generally ended in a compromise between the parties, at the expense of the public—but still he would maintain that a wholesome and salutary competition might in many cases be obtained, even in the case of railways, and greatly for the benefit of the public; and such, he thought, would be the result of the line then under consideration. It had appeared in evidence before them, that in reference to the great and important communication between London and Liverpool, the London and Birmingham Company had in progress arrangements for giving them a line from Rugby to Liverpool, independently of the Grand Junction Railway, which he considered a public advantage; and the present line would afford a line, if necessary, for the Grand Junction Railway from Wolverhampton to London, independent of the London and Birmingham. Moreover, to the most important district traversed by the proposed lines—namely, that between Worcester and Wolverhampton, the scheme approved by the Committee would supply two communications by separate lines, and in the hands of great independent companies—to London, particularly when the proposed branch should be made from Dudley to Birmingham. He had thus endeavoured very briefly, as compared with the length of the proceedings before the Committee, and he was conscious very imperfectly, to put before the House a few of the principal grounds upon which the decision of the Committee rested; and before he sat down, seeing the great number of hon. Members in attendance who were about to vote on a case, the merits of which they could comparatively have had but little means of being acquainted with, he begged to state to the House the time and pains the Committee over which he presided had devoted to it. They had sat twenty-five days; had examined more than 100 witnesses; had heard counsel at great length—particularly on the part of the unsuccessful company, as that side had had the opening and general reply. The Committee had themselves given to the case the most unremitting attention; and when it closed had separated without even communicating their individual opinions to each other. On the night before they met to confer upon their decision, he, as chairman, had written out the various points upon which he thought the evidence bore favourably, and unfavourably, and his opinion upon them. Another Member of the Committee had done the same, even at greater length than himself, all had done so more or less. Besides, having taken copious notes of the evidence while the witnesses were under examination, and having met the next morning, they read over their papers, compared their several views, and after two hours' consultation, came to an unanimous decision in favour of the Bill then before the House. Nevertheless, he had no overweening confidence in the correctness of their decision. The entire Committee had felt the painful responsibility imposed upon them in having to decide for one, and necessarily against the other, of the two great interests involved in the question submitted to them. His hon. Friend the Member for Brecon (Colonel Wood) seemed to think that the five Members of the Board of Trade, and the five Members of the Committee stood on equal footing, and the authority of the one balanced that of the other. The Committee had differed with great deference and regret from the Report of the Board of

Trade, after having given to every point contained in it their most serious attention; but it was to be recollected that the opinion of the Board of Trade was of necessity but a preliminary one—formed without the advantage of *vivâ voce* witnesses, cross-examination, or the aid of opposing counsel, all which the Committee had enjoyed. He was persuaded, that upon the materials before the Board of Trade, the Committee would have come to the same conclusion as the Board of Trade; and, that if the Board of Trade had had the benefit of hearing the whole case in the manner it was brought before the Committee, the Board of Trade would have arrived at the same conclusion as the Committee. Personally, he should feel gratified, as he always did in any case of importance, that his judgment should be revised by any competent tribunal; and if any Member of the Board of Trade, or of the Government, or any hon. Gentleman of experience on either side of the House, and unconnected with either of the contending parties, would suggest any such tribunal—say a Select Committee of ten, instead of five, or chosen in any manner that would insure its competency and give weight to its authority—to that he would not offer one word of objection. But, with all respect for the collective wisdom of that House, he must say, that if a solemn decision of a Committee of impartial men, selected for the purpose, and having for five weeks given their diligent and careful consideration to all the details of the case, was to be set aside by means of a private and interested canvass—or the accident of which of the two great opposing companies might have the greater number of personal friends in the House—he would protest—not on behalf of the Committee, for it was nothing to them, but for the credit and character of the House itself, and on the part of the vast public, private, and pecuniary interests involved in the just decision of these questions—against such an act. It might be, and it had forcibly struck him during the progress of that very case, that the duty was perhaps too onerous even for a Select Committee; but sure he was of this, that if the labours of those special Committees were to be controlled, and their decisions nullified by votes of that House, influenced by personal canvass and private interests, then the sooner the jurisdiction was transferred to some more competent tribunal, the better it would be for the honour of the House and the interests of the country.

Mr. *Labouchere* observed, that although he could not say his constituents had any interest in this question, still he was himself very anxious to see a proper decision come to, as he believed it would affect the character of the House itself, and have a very important bearing upon the general interests of the country. He had heard the debate of to-night called "the battle of the gauges;" but he believed it to be a battle between two great rival railway companies, who, by canvassing for the last few weeks, had mustered their forces on the present occasion. He had watched during the present Session of Parliament, with peculiar anxiety, the progress of railway proceedings, because he was most anxious that that fever of gambling which prevailed among the public of late, should be stayed as much as possible. There was but one way in which that system could be successfully opposed by that House; which was, that they should adhere, as strictly as might be, to those Rules of the House which, with especial care, had been formed upon the most impartial principles. He acknowledged, therefore, that he approached this question with a very strong bias to support the decision of the Select Committee. The question before the House was, whether they should stop the further progress of the Bill which was then before them. In his opinion there was no pretence for doing it. The right hon. and learned Gentleman the Chairman of the Committee, had distinctly told them that the question raised before the Committee was not as to the width of the gauge, but as to the line of railway to be taken. Upon that question—that of the line—it was utterly impossible for the House to come to any decision, because they had not the means of forming any opinion. It depended upon a thousand circumstances which it was impossible for the House to have any cognizance of. The House on such a question invariably gave its vote exclusively upon the confidence they reposed in the Gentlemen who constituted the Committee. The Committee in this instance had decided contrary to the Report of the Board of Trade. He was desirous of speaking without any disrespect of the Board of Trade. But when a Committee had investigated the merits of a case on which the Board of Trade had made a Report, and had come, after a full consideration, to a different conclusion from that of the Board of Trade,

it was not a sufficient ground alone for the House to question the propriety and judgment of the Committee. Upon these grounds it was his intention to vote for the further progress of the Oxford, Worcester, and Wolverhampton Bill. At the same time, he must own that after hearing the speech of the right hon. Gentleman (Mr. Shaw), he was not prepared to deny that there were some special circumstances which might require special consideration. The right hon. Gentleman had told the House that the question of the gauges was not one which the Committee thought it necessary to go into; but this might, nevertheless, really be a very important question to investigate. Again, the Committee appeared to have asserted a principle which was entirely new—namely, that the line should be constructed both on a narrow and broad gauge. He knew not how far that principle might be right or not; but these were no reasons for stopping the Bill. All this could be fully met by introducing an additional clause, before the third reading, to render it obligatory upon the company to lay down either a broad or narrow gauge, or both, as by competent authority should be thought necessary. He hoped before this discussion closed, the House would hear the views of Her Majesty's Government upon the subject. Should the solemn Report of a Committee of that House be defeated by a system of canvassing the votes of the Members, who could not be supposed to have made themselves conversant with the merits of the case, it would be a great blow to the authority of an impartial tribunal of that House. It would encourage powerful parties by this system of canvass to induce Members to come down to the House to vote upon a subject upon which they could not be competent to form an opinion.

Mr. *Bernal* was sorry that all the speaking seemed to be on one side. No one appeared disposed to controvert what had been laid down by the right hon. and learned Gentleman the Chairman of the Committee. He thought the right hon. Baronet the Home Secretary was bound by every principle and every argument to support the Select Committee. These new tribunals were mere play things, or they were serious tribunals. If the Amendment were agreed to, the consequence would be, that before the Royal Commission could make a Report, the Session would be at an end, and all further progress with the Bills now pending would be stopped till next year. It was highly necessary on every account that this question should be immediately decided. It had given rise to a great deal of speculation. In Capel-court, in the City, there was yesterday great speculation going on as to the result of this night's debate, and a most enormous amount of money was pending as to the broad or narrow gauge being adopted. If they did not prevent that delay upon which parties were calculating, much greater mischief would inevitably ensue. He entreated the House, therefore, not to delay their decision upon the Bill; but to accept the Report, and throw no difficulty in the way of passing this measure. The right hon. Gentleman the Chairman of the Committee had said that the Committee did not attach much importance to the question whether the narrow or the broad gauge should be adopted. He begged to call the right hon. Gentleman's attention to the opinion expressed by Mr. Walker, an eminent engineer, on the subject. That gentleman said that if he had to choose as to what should be done, the whole narrow gauge should be uprooted throughout the Empire, and the broad gauge should be adopted. It had been argued that the practice on the Continent was in favour of the London and Birmingham Railway; but it was notorious that the narrow gauge was not universally adopted on the Continent. This was a fact which ought not to be concealed. But whatever the House chose to do, he begged of them, if they valued their characters for honour and for integrity, not to expose themselves to those invidious remarks which indeed had already been made. It had been said that, although this was not a question of national importance, but one of a private nature, yet a vast number of Members came down to the House, evidently having been personally canvassed to do so. Had not many hon. Gentlemen received letters upon letters upon this subject? It was a contest, in fact, between the London and Birmingham Railway Company and the Great Western Railway Company. Under these circumstances, he called upon the House, and more especially upon the right hon. Gentleman at the head of the Government, to support the decision of the tribunal appointed by the House itself.

Sir *G. Grey* would not discuss the merits of this Bill, because he was perfectly satisfied with the decision of the Committee as to the merits of the two lines; but there were some peculiar circumstances

connected with this question which might be properly brought before the House. It would be most unwise to subject the decision of a Committee which had received the confidence of the House, to the uncertain result of an active canvass out of doors. But there were peculiar circumstances attending the case, and he therefore hoped that the Government would express their opinion upon it. The point he alluded to, independently of the general questions which came before the Select Committee, was this—that there was a difference between the Report of the Committee and the Report of the Board of Trade, with respect to a question of competition pending between the London and Birmingham Railway and the Great Western Railway. They stated, what he trusted was the fact, that the London and Birmingham Company had made an arrangement with the Grand Junction, Manchester, and Liverpool Company; and the Committee stated their opinion to be, and in which opinion he (Sir G. Grey) concurred, that it was desirable that there should be another competing line, on the part of the Great Western Company, from Liverpool to London. This was the Report of the Committee. But the Board of Trade reported in favour of a line which would prevent any such competing line being formed. He thought the House was entitled to know whether Her Majesty's Government concurred in the opinion expressed by the Board of Trade, or whether the additional facts which had been laid before the Committee, tending to modify the opinion of the Board, would prevent them from supporting the Report of the Board. If the Board of Trade, after having looked at the evidence laid before the Committee, were still of the opinion they had already expressed, then he thought the House would be entitled, not to stop the Bill, but to adopt the suggestion of his right hon. Friend near him, and institute some further inquiry. At all events, the House ought to know what was the present opinion of the Board of Trade upon this great conflicting question.

Sir *G. Clerk* said, that after the appeal of the right hon. Gentleman the Member for Devonport, he could not allow the debate to close without saying a few words. He quite agreed in the necessity of attaching importance to the decisions of the Committees of that House, constituted as they now were. He admitted that the Railway Committees had discharged their arduous duties with the greatest assiduity and attention, and he also agreed that it was only under special circumstances that that House ought to interfere with their decisions. But here was a case where those special circumstances were acknowledged to exist, involving, too, a question of great public importance; not merely a question of convenience or expense, but of public safety. The question was not as if they were now about to settle for the first time which was the best gauge. Whatever might become of the hon. Member for Stockport's Motion, that question was already decided. Looking to the enormous outlay which had been already incurred by the railways of both broad and narrow gauges, it would be hardly possible for Parliament, whatever inconvenience might arise from the want of one uniform gauge, to compel the proprietors of the existing lines to give up one gauge and adopt the other, or, as had been recommended, to give up both and adopt an intermediate gauge. What he thought they were to look to was, whether, respecting a particular district, it was most for the public convenience to introduce one or other of the present gauges. His right hon. Friend the Recorder of Dublin would give no opinion as to whether the wide or narrow gauge was the best; but by voting the preamble of this Bill, they practically decided that question. The hon. Member for Stockport had told them that an immensity of traffic would be carried on in the triangular space between London, Liverpool, and Bristol; and that one uniform system was therefore requisite within that space, as yet unsupplied with railways. He certainly agreed with the hon. Gentleman, that the inconvenience of breaking the gauge would be almost incalculable in a district where there was much traffic; and for that reason he adhered to the opinion of the Board of Trade. Indeed, it was upon that ground that the Board of Trade—looking to the traffic likely to arise in South Staffordshire and Worcestershire, and seeing that four-fifths of that traffic would come from the north, and terminate at or before arriving at Bristol—it was upon that ground they came to the conclusion that it would be impolitic to run the wide gauge into those counties. It was of the greatest importance that that gauge which was likely to be attended with the least amount of inconvenience and delay, should be adopted in those districts. Now, of the traffic which would pass through them from the

midland counties, and the north of England seaports, to the south of England, he would undertake to say nine-tenths would terminate at Bristol. To have a different gauge south of Bristol, therefore, would be attended with no more inconvenience than having one gauge at Euston Square, and another at Paddington. By far the greater quantity of goods arriving at Bristol, came there for distribution and shipping. His right hon. Friend had said, that new facts had been laid before the Committee, which the Board of Trade had not taken into consideration. But, in answer to that, he could assure the House that no question had been more deeply or carefully considered by the Board of Trade than this very question of the gauge; and that all the facts connected with it had been laid before them. The promoters of the Oxford, Worcester, and Wolverhampton scheme had been frequently with the Board of Trade; and the inconvenience had been pointed out which must necessarily result from the introduction of the broad gauge, such as the transfer of goods from one description of waggon to another. The laying down of four, instead of two, rails would not get rid of these inconveniences, while they would increase the danger, and render necessary a double stock of carriages and waggons. The opinion of the Board of Trade as to the danger, delay, and inconvenience likely to arise from such a complication of rails as would be established between Wolverhampton and Worcester by the present measure, remained unchanged. Under the peculiar circumstances of this case, and notwithstanding the natural disposition of the House to agree to the Report of the Committee, and allow this Bill to go on, he did hope they would hesitate before they came to a decision which, in effect, would decide the question that the wide gauge should be introduced, and the whole traffic of the country exposed to the inconvenience he had pointed out.

Sir *T. Wilde* wished to say a few words on behalf of his constituents, who felt deeply interested in this question. It was a fearful thing that such a question should not be left upon its merits, and that the opinion arrived at by the Board of Trade, whose investigations were carried on in private, and of whose information they had no means of judging, should find an advocate in that House. When he attended the Board of Trade with a deputation from Worcester, asking to be heard, he was told that all parties had already been fully heard, and that every thing had been attended to. The gentleman who made this communication was Mr. Laing. He had such confidence in the impartiality of the Board, that he told his constituents he would not occupy its time by giving any information, when it had heard all that could be stated on both sides. He would now ask the right hon. Gentleman (Sir G. Clerk) to state whether he had himself, or whether he could produce any evidence that, with respect to the most important point decided by the Board, the other party had ever been heard, or had ever known that the case was before the Board? The Board of Trade had reported that there was great difficulty in transferring goods from one line to the other. Upon this point did they hear both sides, or only one? He had been distinctly told that the Great Western Company and the promoters of the other line had never been called upon to give any information on the subject, and never knew that any information had been received by the Board. The Board said, that they had been told by a great authority that there were great inconveniences in the transfer. When a witness was called before the Committee against the Bill, he used in his evidence language so much in correspondence with the words of the Report from the Board, that he was asked, "Did you make any communication to the Board?" The reply was, "Yes." He was then asked, "Did you make a Report?" He said, "No;" but he had received a letter from one of the Committee of the Board marked "private," and he had returned an answer marked "private" also; and the Report of the Board contained the words of this very letter from one of the parties engaged in opposition to the Bill. He asked again, whether the other side had received any information that such a statement had been made? When the engineers were called before the Committee, who, as he was told by his constituents, took extraordinary pains with the inquiry, those engineers one after another gave their opinion; and he would ask the right hon. Gentleman whether he could show in any cross-examination anything except that the transfer from line to line could be done with perfect facility, and that there were no such difficulties as were stated by the Board of Trade? It could be done by an apparatus which might now be seen at work, either by lifting the carriage off the

waggon, or lifting the carriage, waggon and all, on to a truck suited to the other gauge. The witnesses gave the very minutes required to accomplish this. When Mr. Brunel gave evidence of this, he said, that if any one doubted whether it could be done, he might go and see it done at the Great Western. His examination was adjourned to enable Mr. Stephenson to go and see the apparatus, and instruct counsel for cross-examination. That gentleman did see it; there was no cross-examination of Mr. Brunel, and Mr. Stephenson was not called. Upon another point the Board had strongly expressed an opinion, and there was no evidence before the Committee. He said, that whatever respect he might have for the Board of Trade, he was sure the Committee had heard both sides, and that the objections which were so strong to the Board of Trade could not be unknown to the London and Birmingham Company, and they might have instructed counsel to cross-examine upon them; but they did no such thing. The attention of the Committee was directed alone to the evidence of the witnesses—there were no *ex-parte* statements; the witnesses were examined, and cross-examined, and re-examined, and examined by the Committee, which they did in the most creditable manner. To the Board of Trade he gave credit for the utmost probity and diligence; but they were pressed with all other business, and the Committee had devoted twenty-five days to the Report on this line alone. He apprehended, however, that these things had nothing whatever to do with the point now under discussion. It was provided by the 109th Clause of the Act, that the Company should be bound by any general measure which should be passed for the regulation of railways, and they were willing to introduce a clause into the Bill to alter the gauge, on the requisition of the Board of Trade. Between Wolverhampton and Bristol there were to be two gauges, the narrow and the broad. The best engineers were not agreed as to what was the proper gauge; and the hon. Member for Stockport had not, as he thought, exercised his great intellect when he lamented that without experience a certain gauge had not been adopted. They did not know the proper gauge, and why? Because they wanted more experience. What better, then, could they do than the Committee had done? The danger was an entire delusion; the different gauges on the same rail would be laid down side by side. The Board of Trade imagined that the rails of the broad gauge were to be laid down between the two rails of the narrow gauge; they would be distinct; the gauges would be side by side. What they wanted was experience, and it would be cruel to send away persons who had spent thousands of pounds, who had paid heavy fees to counsel, and examined a hundred witnesses before a Committee, when, if the width were to be fixed, they ought never to have been sent to a Committee at all. What reason was there for the Amendment, when the Committee were willing to adopt any gauge that might be required? It was an attempt to accomplish by a side-wind a diversion in favour of those who had been beaten. What the Committee had decided was this:—They were uncertain what was the precise gauge to be fixed on; but they looked at the public interests involved, and at the wants of the country; and they expressed an opinion that this particular line with this particular gauge, subject to a change, if required, should pass. The Report of the Board of Trade had been before them, and the judgment of the Committee was strongly pronounced after that Report. The House might legislate as to what was fit to be done for the future; but it was not reasonable, after the expense which had been incurred, that this Bill should be got rid of by a side-wind, especially as they had not experience enough to justify any conclusion. The right hon. Baronet had received great credit for the alteration of the tribunal within that House to report on these Private Bills, and he called upon him to use his influence to support the decision of the Committee. That tribunal now had public confidence; whether it would continue to have that confidence would a great deal depend on the decision to which the House should now come.

Sir *G. Clerk* said, he wished to say a few words in explanation. He begged leave to assure the hon. and learned Gentleman who had just sat down that the inconvenience arising out of the broad gauge had been distinctly pointed out by the Board of Trade to the representatives of the Great Western Company, and that the question of the transhipment had been fully discussed by the Board. Several interviews had taken place between the Board and the agents of the Company upon that latter point. The Board had afterwards thought that they could receive no new information upon that subject, and

might have given an intimation to that effect, to parties who proposed to wait upon them.

Mr. *Ward* said, that he should not, probably, have attempted to address the House, if the right hon. Gentleman the Chairman of the Committee had not thrown an undue warmth into his vindication of the Committee. The right hon. Gentleman had said distinctly that no man could quarrel with the Report he had presented, without being influenced either by a private canvass, or by personal interest. ["No, no!"] The right hon. Gentleman had asked, if the decision of the Committee was to be set aside by private canvass, or by personal interest? Now, he utterly denied, so far as he was concerned, that any such feeling would actuate him in voting for the Amendment of his hon. Friend the Member for Stockport. He believed, that no Member of the House could propose that Amendment with cleaner hands than his hon. Friend; and that it would be admitted that he was perfectly exempt from the imputations that had been thrown out against him. His hon. Friend had, as he had himself stated, adopted the course he had taken upon national considerations, and he had nothing to do with the quarrels of the rival companies. Neither had he anything to do with those quarrels. There were much larger considerations involved in that question. He did not dispute the competency of the Committee to decide upon the matter referred to them; but the great question at issue had only come incidentally under the consideration of the Committee; and the Committee could not fairly complain of an appeal being made to the House from its decision. His hon. Friend the Member for Stockport had submitted two questions to the House; first, whether it would be advisable to multiply the gauges; and next, whether the Committee had selected the best points for carrying out their own conclusions? These were questions of sufficient importance to justify the House in determining that they should be referred to a Commission. The right hon. Gentleman the Chairman of the Committee had told them, that no one knew what was the best gauge that could be adopted; and it certainly appeared that the broad gauge and the narrow gauge had each some special advantage. With respect to the transhipment of goods, he could tell the hon. and learned Gentleman the Member for Worcester (Sir T. Wilde) that he could not, upon such a subject, pay to his opinion the same respect which he should yield to his opinion upon a point of law. He had himself been a railway director, and was conversant with such matters; and he had reason to know, that that transhipment would, in practice, lead to great expense, delay, and inconvenience. The operation might be successfully performed in the case of a single waggon; but it would present great difficulty in the case of immense masses of goods, and a great variety of carriages. Why was there not to be an inquiry into that point? Why were they to say that there might not be some better arrangement devised than any that had yet been proposed? He had the authority of one Member of the Committee for stating that they had not been unanimous upon all the points under their consideration; and he believed that another Member had only attended during a portion of the proceedings of the Committee. He hoped that, under these circumstances, the House would adopt the Amendment of his hon. Friend the Member for Stockport.

Sir *T. Acland* said, that the question brought forward in the Amendment of the hon. Member for Stockport might be a proper subject for the consideration of the House; but he thought that that question should not be raised in the case of a particular Railway Bill. It might be very desirable that the whole question should be thoroughly investigated; but he denied that the investigation ought to take place upon that occasion. Such a mode of proceeding would be most unfair. He would tell the right hon. Gentleman the Vice President of the Board of Trade, that it could not be fair to raise the question then, and to call for a decision which would have the effect of throwing out a particular Bill. These two great companies had fought their battle before the Committee for many weeks, at an expense of several thousands of pounds; and it was not fitting that the battle should again be renewed in consequence of a decision of that House. He said that if they reversed the decision of the Committee, they would do no credit to the House. He asked them, why they had not before decided the question at issue? and why the point had then been raised for the first time? Let them pass the present Bill, and they might, next Session, refer the whole question to a Commission, if they should think fit.

Sir *R. Peel:* Sir, I do not hesitate to

say, that I feel very great embarrassment as to the course which it is my duty to pursue upon this occasion. I think that, upon the whole, that is an excellent rule which prevents Ministers of the Crown from interfering in decisions with respect to matters which deeply affect great private interests; because it is exceedingly difficult for Ministers of the Crown to divest themselves of their Ministerial character in discussing such questions. I, therefore, think the general rule is an excellent rule—that Ministers of the Crown ought not to interfere on such occasions. I shall give my opinion on the present question in a purely judicial character. I have been asked to exercise all the influence I could to support the Resolution of the Committee; but I shall not exercise, and I shall not ask to exercise, any influence whatever in the matter. I shall exercise no influence to support the decision of the Board of Trade; and neither shall I exercise any influence in support of the decision of the Committee. But to leave the House without any expression upon my part of an opinion on the subject is a course which I am unwilling to take. At the commencement of the Session, I made a declaration to the effect, that I did not think that the Reports of the Board of Trade should in any way fetter the discretion of this House; that I thought those Reports were useful as materials for enabling us to form a judgment; but that I did not think that they ought necessarily to fetter the judgment of Committees or the judgment of the House. I have heard no imputations against the Committee which has decided upon this question. That Committee was presided over by a right hon. Friend of mine—a person fully competent to form a judgment upon matters of this nature, and I understand from him, that the Committee had come to a unanimous Resolution in favour of a certain Bill. Well, that being the case, and the Committee having devoted five weeks to the consideration of the subject, my opinion, which I have formed for myself individually, and as my judicial decision on the question, is, that it would not be wise to overrule the decision of that Committee. I cannot forget that I am acting judicially in this matter. The opinion of my constituents is, I am aware, in favour of a course adverse to that which I recommend the House to adopt; but I cannot forget the duty which my position in this House imposes upon me. I think there would be danger in overruling the decision of a unanimous Committee; and, looking at all the circumstances of the case, I am prepared to support that decision.

Mr. *W. O. Stanley* thought, as a general rule, that the decisions of the Committees ought to be supported, unless special grounds could be advanced in support of an opposite cause. In this case it appeared to him that such special grounds could be shown. The hon. Member went into some details in support of his view, but the noise which prevailed in the House prevented their purport from reaching the gallery, and declared that he should support the Amendment.

Mr. *Muntz* had no interest in any railway whatever, neither was he interested in the success of either the broad or the narrow gauge. As to his constituents, they were divided with respect to the relative merits of the systems. The right hon. Baronet said, that he could not determine the question, and it was evident that the Board of Trade could not settle it. To what authority could they then refer? They were mistaken if they imagined that the question would be set at rest by their decision on this case. He, therefore, called upon the House to pause and take the matter into their most serious consideration. In his opinion it was a great neglect on the part of the Government to have allowed two gauges in the first instance, and he advised them now to stop in time, and pay whatever sum might be necessary out of the Consolidated Fund. It was very easy to say leave both gauges; but would they say as much when they found the result to be collision, loss of time, and probably loss of life? He spoke on public grounds alone, having, as he had before stated, no interest in any line; and, as a man many years conversant with mechanical pursuits, he had formed one of a deputation to the Board of Trade, the object of which was to represent to the Board the injury which would be inflicted on the midland counties by sanctioning two gauges of different width; but he was not the author of any letter on the subject. He could not be accused of any partiality towards the Board, having opposed its appointment; but he felt bound to state that he never met more fair or intelligent men than the Members of that Board. They asked him and his colleagues whether they were interested in any railway, whether they thought the existence of two

gauges likely to interfere with the trade of the country, and which gauge in their opinion was the best. To the last question his reply was, and he believed he spoke the sentiments of those who accompanied him, that he did not think it of any importance which gauge was adopted, provided it were universally applied; and that he believed the people of this country did not care one farthing about the matter, and that the question of the broad or narrow gauge was a mere quibble among engineers. Without wishing to cast any reflection on the Committee, he called upon the House, therefore, to pause before they sanctioned the construction of railways with gauges of different width. He thought the Motion of the hon. Member for Stockport decidedly entitled to support; nor could he understand on what ground it could be resisted, now that they repudiated the Report of the Board of Trade. Let them bear in mind that there were two or three thousand miles of railway on the narrow gauge. How would they manage to get their broad gauge trucks through the narrow gauge tunnels? He recollected urging this difficulty on the attention of the chairman of the Bristol and Gloucester line (as we understood), and the answer of that Gentleman was, that no difficulty would be found in getting the small trucks through the broad gauge tunnels, forgetting that the traffic must go both ways. He thought the Birmingham Company had claims upon their favourable consideration, having of their own accord lowered their rate of profits.

Mr. *V. Stuart*, amidst much confusion, was understood to urge, that the ironmasters of Staffordshire had never yet been able to make use of the London and Birmingham line, in consequence of the narrow gauge.

Lord *Ingestre* said, that were it not with reference to this particular Bill, he would support the Motion of the hon. Member for Stockport, for an inquiry with a view to securing one uniform gauge; and he hoped that hon. Gentleman would withdraw his present Amendment, and bring it forward as a substantive Motion.

Mr. *Godson* said, that the Report ought not to be received, but that the Bill must be recommitted, for the sake of the public. The Report made by the Committee was contradicted by the clauses introduced into the Bill, which had been increased frm 52 clauses to 110 clauses. This Committee, in which so much confidence was to be placed, had thus reported:—

"With regard to the guarantees stated in the Report of the Board of Trade to have been offered by the London and Birmingham Company, and to have appeared to the Board of Trade to hold out a prospect of permanent and certain advantage to the public, the Committee have required the same terms substantially from the Great Western Company, and they will be found embodied in clauses added to the Bill by the desire of the Committee."

What was one of those guarantees?

"One article of such tariff to be, that coals and iron are to be carried at rates not exceeding 1*d.* per ton, including toll and locomotive power."

In the original Bill, by Clause 45, the maximum toll—

"For coal, ironstone, salt, &c., is fixed at 1*d.* per ton, per mile."

In the Bill reported, by Clause 88 the maximum toll—

"For coal, ironstone, salt, &c., is 1½*d.* per ton, per mile;"

being an increase of 50 per cent. to his constituents upon coal. But the effect upon the constituents of the hon. Member for South Staffordshire was greater. By the offer of the London and Birmingham Company a distance less than a mile was to be paid for as a mile. By Clause 84 of the reported Bill—

"All articles carried a less distance than six miles are to be charged as for six miles."

Thus, in South Staffordshire, when the ironstone is removed from the pit to the furnace, if it pass along one mile of the side lines of this railway, the ironmaster may be charged 9*d.* per ton for that mile. But the imposition does not stop there; for by another clause there is a power to add on 15 per cent. for some distances, and 25 per cent. for other short distances. Thus, the 9*d.* might be increased to 11¼*d.* per ton, making a thousand per cent. increase, and salt may be charged this extra imposition of 15 per cent. Is the hon. Member for Droitwich prepared to tax his constituents 65 per cent. above the penny per ton per mile for the salt which is to be carried into Oxfordshire? What confidence can be placed in such a Committee? He had none, and would, therefore, vote against a Report which was so inconsistent with the guarantees given to the Board of Trade, with the evidence, and with the clauses which were intended to carry that Report itself into effect.

Colonel *Anson* said, he had the authority of the ironmasters and coalowners of South Staffordshire to say, that upon reading this Railway Bill, notwithstanding there was some ambiguity in it, they were satisfied with a pledge they had received, that the whole of the toll required would be but one penny per ton per mile for fifty miles; and also he could state, that those who had come up to watch particularly the interests of the ironmasters of the county of Stafford were perfectly satisfied.

House divided on the Question that the words proposed to be left out, stand part of the Question:—Ayes 113; Noes 247: Majority 134.

List of the AYES.

Ackers, J.
A'Court, Capt.
Ainsworth, P.
Arkwright, G.
Attwood, M.
Baine, W.
Baird, W.
Bannerman, A.
Barkly, H.
Beckett, W.
Bell, M.
Benbow, J.
Bentinck, Lord G.
Beresford, Major
Bright, J.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chapman, A.
Chapman, B.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Collins, W.
Colvile, C. R.
Dodd, G.
Douglas, Sir C. E.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Duncombe, H. A.
East, J. B.
Eaton, R. J.
Ellice, E.
Etwall, R.
Ewart, W.
Farnham, E. B.
Fielden, J.
Fitzroy, hon. H.
Forester, hn. G. C. W.
Forster, M.
Fremantle, rt. hn. Sir T.
French, F.
Gaskell, J. Milnes
Gibson, T. M.
Gisborne, T.
Godson, R.
Grimsditch, T.
Grogan, E.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, Lord C.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Hatton, Capt. V.
Hindle, J. H.
Houldsworth, T.
Hughes, W. B.
Hutt, W.
Irton, S.
Jervis, J.
Johnson, Gen.
Kelly, Fitz Roy
Lascelles, hon. W. S.
Lawson, A.
Loch, J.
Lockhart, W.
Lowther, Sir, J. H.
Mackenzie, T.
Maclean, D.
Mangles, R. D.
Manners, Lord C. S.
Marsland, H.
Martin, J.
Meynell, Capt.
Mitcalfe, H.
Morison, Gen.
Mundy, E. M.
Muntz, G. F.
Newdegate, C. N.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Paget, Col.
Pigot, Sir R.
Plumridge, Capt.
Polhill, F.
Pryse, P.
Ricardo, J. L.
Rolleston, Col.
Rous, hon. Capt.
Ryder, hon. G. D.
Scott, R.
Smith, A.
Spooner, R.
Stanley, hon. W. O.
Strutt, E.
Tancred, H. W.
Tollemache, hn. F. J.
Trench, Sir F. W.
Walker, R.
Walsh, Sir J. B.
Ward, H. G.
Wilshere, W.
Winnington, Sir T. E.
Wrightson, W. B.
Yorke, hon. E. T.

TELLERS.

Cobden, R.
Wood, Col.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adare, Visct.
Aldam, W.
Anson, hon. Col.
Ashley, Lord
Astell, W.
Austen, Col.
Bailey, J.
Baring, rt. hon. F. T.
Baring, T.
Baring, rt. hon. W. B.
Barron, Sir H. W.
Bateson, T.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Bernal, R.
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Blake, M. J.
Blakemore, R.
Bodkin, W. H.
Borthwick, P.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Brooke, Sir A. B.
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Butler, P. S.
Carew, hon. R. S.
Carew, W. H. P.
Cartwright, W. R.
Castlereagh, Visct.
Charteris, hon. F.
Chelsea, Visct.
Cholmondeley, hn. H.
Christie, W. D.
Christopher, R. A.
Clements, Visct.
Clive, Visct.
Clive, E. B.
Clive, hon. R. H.
Codrington, Sir W.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Compton, H. C.
Connnolly, Col.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dennistoun, J.
Dickinson, F. H.
Divett, E.
Douglas, Sir H.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Duncan, Visct.
Du Pre, C. J.
Easthope, Sir G.
Eastnor, Visct.
Ebrington, Visct.
Elphinstone, H.
Entwisle, W.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Evans, W.
Fitzmaurice, hon. W.
Fitzroy, Lord C.
Forman, T. S.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Granger, T. C.
Greene, T.
Gregory, W. H.

Grey, rt. hon. Sir G.
Guest, Sir J.
Hale, R. B.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hampden, R.
Harcourt, G. G.
Hawes, B.
Hayes, Sir E.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Herbert, rt. hon. S.
Hill, Lord E.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hodgson, F.
Hollond, R.
Hope, hon. C.
Hope, A.
Hoskins, K.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, hon. H.
Howick, Visct.
Humphery, Ald.
Hussey, A.
Hussey, T.
Inglis, Sir R. H.
James, W
Kemble, H.
Labouchere, rt. hn. H,
Layard, Capt.
Lemon, Sir C.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Loftus, Visct.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Mackenzie, W. F.
M'Geachy, F. A.
M'Taggart, Sir J.
Manners, Lord J.
Martin, C. W.
Masterman, J.
Miles, P. W. S.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Morrison, J.
Murphy, F. S.
Murray, A.
Neeld, J.
Neville, R.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, J.
O'Connell, M. J.
O'Conor Don,
Ogle, S. C. H.
Ord, W.
Oswald, A.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Phillpots, J.
Pollington, Visct.
Ponsonby, hon. C. F. C.
Praed, W. T.
Price, R.
Protheroe, E.
Pulsford, R.
Pusey, P.
Rashleigh, W.
Redington, T. N.
Repton, G. W. J.
Richards, R.
Roche, E. B.
Roebuck, J. A.
Round, C. G.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Sandon, Visct.
Scrope, G. P.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Somerset, Lord G.
Somes, J.
Sotheron, T. H. S.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, P. M.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornhill, G.
Tomline, G.
Tower, C.
Trelawny, J. S.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Turner, E.
Vane, Lord H.
Verner, Col.
Villiers, Visct.
Vivian, J. H.
Vivian, J. E.
Waddington, H. S.
Warburton, H.
Wawn, J. T.
Wellesley, Lord C.
Wemyss, Capt.
Wilde, Sir T.
Williams, W.
Williams, T. P.
Wodehouse, E.
Wood, C.
Worsley, Lord
Wortley, hon. J. S.
Young, J.

TELLERS.

Ingestre, Visct.
Barneby, J.

Main Question agreed to.

Amendment read a second time.

OXFORD AND RUGBY RAILWAY.] The Report on the Oxford and Rugby Railway Bill was brought up.

On the Question that the Amendment made by the Committee be read a second time,

Mr. *Lockhart* moved that the consideration of the Report be further considered that day three months.

Mr. *W. R. Collett* seconded the Amendment, and expressed a hope, that on the third reading of the Bill, or at some other fitting opportunity, measures should be taken to have it ascertained whether the public at large would be most benefited by the broad or the narrow gauge.

Mr. *Shaw*, as chairman of the Committee, wished to observe that they had looked upon the Oxford and Rugby line as a part of the project of the Great Western Company, and they, therefore, wished the entire question which was to come before the House to stand or fall together. It was quite necessary that there should be a change from one gauge to the other, on some point of the line. The opinion of the Board of Trade was, that wherever the traffic was least the alteration should be made, and that the interruption ought therefore to take place at Oxford. It was clear that an inconvenience should be submitted to somewhere, and the question for the House to decide was, whether the broad gauge was to go up to Rugby, or the narrow gauge to go down to Oxford.

Mr. *Gisborne* said, the question before the House was, whether the broad gauge was to extend much farther north than had been originally intended. He thought Rugby a most inconvenient place for the gauge to shift, in consequence of the extent of traffic concentrated there. The great utility of the line would arise from the transfer of coals from the northern counties; and the greatest inconvenience would be felt if the coals were to be shifted to different waggons at Rugby, instead of being carried on without interruption to Oxford. It was said that the preference

of the broad gauge originated in a jealousy of the London and Birmingham railway, lest it should acquire a monopoly of traffic; but, in his opinion, there was no line so secure against any great extension of its powers, or which had been placed under heavier bail to the public for good conduct than that railway. He hoped the House would accede to the Motion for postponing the Bill, at least, until the next Session.

Mr. *Maclean* said, the expense of shifting the coals from one line to another would be enormous. Hon. Gentlemen might not be aware that the cost of a common waggon for the conveyance of coals on a railway was from 24*l.* to 27*l.*, and a double supply of such waggons would prove a most serious drawback to the traffic. He thought the adoption of the Report would give an undue and unfair advantage to the Great Western over the London and Birmingham Railway. Besides, there were very little coals used at Rugby, whereas the supply of coals for Oxford and the towns that were springing up along the line of the Great Western Railway was considerable. He thought there should be one continuous gauge going to the north, and another to the west, and on these grounds he considered that the Bill ought to be postponed till next Session.

Mr. *Newdegate* begged to protest against having the broad gauge brought up to Rugby, to the serious injury of the manufacturers and millers of the north. He could answer for Derbyshire, Leicestershire, and Warwickshire, that the quality of the coals was improving, and the trade increasing considerably in those districts.

Mr. *Villiers Stuart* would not assent to the Amendment. He believed that the bodies of the trucks could easily be transhipped. He had seen this successfully done on a large scale.

Mr. *Ward* thought that this was one of the questions which should only be decided by those having practical experience on the subject. He had no confidence in this alleged plan of transhipping the bodies of the trucks from lines of one gauge to those of a different gauge.

Mr. *Spooner* supported the Amendment. He did not think that it was common fairness to the projectors of the Birmingham line to give this competing line all its length. Competition was all very well, but it might be carried too far.

Mr *Home Drummond* was still of opinion that Oxford was the much more proper place at which to make the change of gauge.

Lord *George Bentinck* also supported the Amendment, as the expense on the broad gauge was nearly 100 per cent. on the carriage of goods more than on the narrow gauge.

Sir *T. D. Acland* contended that his noble Friend was in error in his assumption as to the difference of charge.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 79; Noes 43: Majority 36.

Main Question agreed to.

Amendment read a second time.

CUSTOMS' ACT.] House in Committee on the Customs' Act.

Mr. *Ewart*, apprehending that it would be almost impossible that night to keep a House, after so protracted and exhausting a debate as that which closed last night, and not seeing around him those whom he had especially looked to for supporting the Motion of which he had given notice, for the repeal of the duties on butter and cheese, begged to say he should not then proceed with that Motion, but bring it forward at an early opportunity.

Mr. *E. Buller* rose to bring forward the Motion of which he had given notice at the commencement of the Session, for a repeal of the duty on tallow. The right hon. Baronet had altogether omitted that article in his recent commercial changes. Similar articles, oils, &c., had been reduced in 1832, and last year had been altogether repealed; but tallow had not been touched. The most serious consequences always arose from removing the duties from similar articles; but leaving the duty upon one particular article. The use of the one article was discontinued. The operation of this principle had been shown in the case of tallow. Its consumption had been very much reduced, to the extent of 2,000,000 or 3,000,000 cwt., while the consumption of a rival article—oil, had increased. Cocoa nut and palm oil had nearly quadrupled its consumption, and this increase had taken place since the reduction of duty. He saw no reason for retaining the duty upon tallow, while he saw every reason for repealing it. The tallow annually exported from Russia amounted in value to 2,000,000*l.* sterling,

and surely it was desirable to foster a trade like that. Its falling off affected the general commerce with Russia; and the trade in hemp, corn, and other articles of Russian produce, had declined with the trade in tallow. The interests of the poor of this country were deeply concerned in this article. Lord Sydenham, in a speech delivered in 1836, had pointed out the necessity of candles to hand-loom weavers, and others of the industrious classes, who carried on their occupations at home. The hon. Member, who was most indistinctly heard in the gallery, referred to a variety of documents connected with the prices of tallow at different periods; but the particulars of them we could not catch, owing to the conversation in the House, of which the hon. Member himself complained. The hon. Member concluded his remarks by moving that the duty on tallow be repealed.

The *Chancellor of the Exchequer* said, that the hon. Member for Dumfries having abandoned his Motion on the duties on butter and cheese—

Mr. *Ewart* said, that he had no intention of abandoning his Motion; but that he had not considered he should have been doing his duty to the importance of the subject by bringing it forward in so thin a state of the House.

Sir *R. Peel* said, it was not surprising, after four nights of fatiguing debate, that the state of the House should have been what it was. He had, however, redeemed the pledge he had given the hon. Gentleman, in reference to affording him an opportunity of bringing forward his Motion.

Mr. *Ewart* said, he should certainly bring it forward at a future period, though he would not do it to the interruption of the Supply Motions.

The *Chancellor of the Exchequer* said, that as the hon. Member who had brought forward the present Motion (Mr. Buller) had done so more for the purpose of bringing the subject of the tallow duty under the consideration of the Government, than in the expectation of being able to effect any immediate alteration of the duty, he should not follow him into the details of the question; though, had this Motion been pressed, he should have felt it to have been his duty to have resisted it, as well as the Motion of the hon. Member for Dumfries, had it been brought forward, on the ground that it would be impossible, after the great reductions in the duties on various articles which had been made already in the course of the present Session, to make any further reductions, even on an article which he acknowledged to be of so much importance as the one under discussion, without incurring the risk of great loss to the revenue of the country. He was not, therefore, disposed to go into the discussion of the question, or to prejudge its consideration at any future opportunity; and the hon. Gentleman must excuse him if—without any disrespect to him—he declined to give any pledge whatever upon the subject.

Motion withdrawn.

Mr. *Parker* moved, that the duties on the importation of Copper Ore should cease and determine. The system, he said, which had been adopted in respect of those duties in 1842, and under which large importations had taken place, was, confessedly, only an experimental arrangement, and had nothing of finality about it. If the hon. Baronet the Member for Cornwall had any fear of the introduction of copper ore free of duty, a Committee might be appointed to inquire into the operation of the law of 1842. He thought the evidence would show that a change might be made without any danger to the interests which his hon. Friend represented. If the trade was made free it would tend to keep the whole copper trade of the world in the hands of the people of this country; it would keep the price of copper steady, and would be of advantage, as it would give facilities for mixing the rich foreign ore with the poorer one of this country. It would be of the greatest advantage to the shipping interest of the country. For these reasons he would move, that all the duties on the importation of copper should cease.

Sir *C. Lemon* said, that his hon. Friend had chosen a very odd time to bring forward his Motion; for never at any former period was copper supplied in such abundance to the manufacturer, and never was the price so low. With respect to the price and quantity of copper his hon. Friend had nothing to complain of. He hoped that the duty would be retained, because it was a source of revenue to the Government, and was not prejudicial to any interest in the country.

Mr. *Trelawny* said, Sir Francis Burdett used to say of a certain Cornish Member, that he was for free trade in everything

except copper. Now he was not disposed, though a Cornish Member, to lay himself open to a reproach of a similar kind. He regarded the existing protective duty on copper as injurious to the shipping, the coal and smelting interest, and the consumer generally. It was easy to say it would throw many miners out of employment. Now, first of all, it was to be much doubted whether or no that would be the case. It should be recollected that for every additional ton of copper which was imported, there must be produced a quantity of commodities to pay for that copper. Therefore, at present, the exclusion of that copper lowered the wages of those who would produce the commodities to be exchanged for it. He was against bolstering up any interest; but if he were for so doing, the last occupation to which he would artificially stimulate his fellow countrymen, would be that of mining. When he considered the hardship and suffering which miners experienced; that they worked, by night and by day, one hundred or more fathoms under ground; that their gains were most precarious; that they suffered from damp and bad air—he did think he could claim for them the sympathy of the noble Lord who interested himself in the children employed in factories. Not that he would curtail the hours of labour by law—that he deemed impolitic and unsound—but he only said the mining interest was the last he would foster to the prejudice of other classes. Let it not be forgotten in what state we stood in relation to Brazil—that we were in danger of losing our trade—and that it was peculiarly important at the present moment to insure our ships some commodity which they might be enabled to bring back, if they could not bring Brazilian sugar in exchange for the manufactures we export. The smelting interest, too, deserved at least so much favour as that it should not be sacrificed for the sake of another. We had been told that smelting establishments were growing up in America and elsewhere, where fuel abounded; and if this country did not take care, our smelters would be seriously injured. The right hon. Baronet might say in reply, that there was the same reason for reducing duties in this case as in that of tallow, butter, and cheese; viz., that the revenue would suffer. But he would say, why not raise the Income Tax, and, substituting direct for indirect taxation, benefit at once the revenue and consumer? His hon. Friend and relative (Sir C. Lemon) had said plenty of coffee came in. That he regarded as a fallacy. It was incumbent on him to show that no more would come in if the duty were lowered. The fact was, this was another protection duty, and nothing else; and, as such, he for one was for its abolition, as he was in the case of other commodities.

Sir *G. Clerk* said, that it had been admitted that the change which had taken place in the law in 1842, was beneficial; that in consequence of it copper ore was much more abundant and much cheaper than before the law passed; and such being the case, he thought it would be unwise to disturb an arrangement which was productive of so much benefit. He hoped the hon. Gentleman would not press his Motion to a division.

Motion withdrawn.

Dr. *Bowring* then moved, that the duty on pine logs, not exceeding ten feet in length and eleven inches square, be reduced to 12*s*. 6*d*. per load. The present duty was 25*s*. This wood was principally used as sleepers for railways; but the supply was insufficient and costly. The Canadian timber was little adapted to the purpose, and the Baltic timber was too dear, the duty being equal to 200 per cent. on the value. He trusted that there would be no objection to his Motion.

Sir *G. Clerk* said, that the timber duties had been very much considered in 1842. He did not think that the hon. Gentleman had made out any case for reducing the duty on this particular description of timber which the hon. Gentleman said was particularly used for sleepers for railways. There were other descriptions of timber, as that used in buildings for the poor, which were entitled to be as much considered as that which the hon. Gentleman had brought under the consideration of the Committee.

Motion withdrawn.

The House resumed.

On the Motion for going into a Committee of Supply,

Mr. *Williams* objected to going into a Committee of Supply at that hour of the night, particularly as several hon. Members had left under an impression that it would not be proceeded with.

Sir *R. Peel* said, that in general when the Government brought forward the Esti-

mates, so many objections were made by hon. Gentlemen at the other side of the House to the smallness of the sums proposed, particularly in the Naval Estimates, it would be worth the hon. Member's while to consider whether it would not be a saving of the public money to allow them to carry their Estimates at once.

Dr. *Bowring* objected to going into Supply, as several hon. Members had left under an impression that the Estimates would not be brought forward.

THE CASE OF MR. MAYER.] Mr. *W. Williams* said, he would never again take the promise of any Gentleman connected with the Government. He was taken by surprise — he was regularly tricked. A distinct promise had been given that the Committee of Supply would not be proceeded with to-night. He had a Motion previous to going into Supply on the Paper, which he did not expect he should have had to go on with; but as a Committee of Supply had been proposed, he should, as an Amendment, move—

"That an humble Address be presented to Her Majesty that she will be graciously pleased to give directions that there be laid before this House a Copy of the Correspondence between the Secretary of State for the Home Department and Mr. Twyford, the Police Magistrate, in reference to his commitment of Mr. Mayer, an inhabitant of St. Marylebone, to Newgate, for an assault, under circumstances of gross provocation, after his refusal to accept bail for him, although tendered to any amount."

He had requested the right hon. Baronet privately to grant copies of this correspondence, but the right hon. Gentleman had refused to furnish the House with the grounds on which he censured the conduct of Mr. Twyford. He considered that Mr. Twyford had outraged the laws of the country in the person of a highly respectable gentleman. He would briefly state the facts of the case. A highly respectable gentleman of the name of Mayer, who had been elected a member of the vestry of the parish in which he resided, which contained in population of 140,000, had an only child, a daughter, who was seduced by his own brother-in-law. He must express his regret to the House that he was compelled to mention circumstances of so painful a nature. Mr. Mayer went to the house of the seducer and committed an assault upon him by striking him with a stick. It appeared from the depositions, a copy of which he had in his possession, that the surgeon who was called in to examine the injured man stated upon oath that the blow had been given above the temple, and that there was no fracture. This occurrence took place about nine o'clock at night. Mr. Mayer went home, and at eleven o'clock two policemen entered his house without a warrant and removed him to the station-house, where he was locked up the whole night, although two of his neighbours, highly respectable men, offered to be bail for his appearance the next day. He must beg the House to observe, that Mr. Mayer was taken from his home without a warrant or any authority whatever, so far as appeared from the evidence given before the magistrate. This, he contended, was a gross violation of the law. The next morning Mr. Mayer was taken before Mr. Twyford, the magistrate, and it appeared that on the preceding night the charge entered against him had been that of a felonious assault. The surgeon who attended the injured man declared at eleven o'clock in the day after that on which the assault was committed, that he was in no danger whatever. All the facts connected with the atrocious conduct of the party assaulted were brought before Mr. Twyford; and he must express his belief that no one possessing the feelings of a man would say, that personal violence committed under such circumstances was not to some extent justifiable; but, although the surgeon stated upon oath that the man was in no danger, Mr. Twyford committed Mr. Mayer to Newgate. Bail was offered for him to any amount that might be required, but Mr. Twyford refused to accept it, and Mr. Mayer remained in Newgate for three days, being associated for a portion of that time with felons. Proceedings were immediately taken to obtain an *habeas:* but those proceedings had occupied a period of three days. Mr. Mayer was eventually taken before Mr. Justice Coleridge, who, without any hesitation, admitted him to bail, himself in 100*l.*, and sureties in 30*l.* each. The Judge did not for a moment consider that the assault was of such a nature as to require the refusal of bail. He said, therefore, that Mr. Twyford, under such circumstances of provocation, of almost unheard of atrocity, was not justified in refusing to take bail, which was tendered to any amount, for an offence that could be considered in no other light than as a common assault. The object of his Motion was to obtain a copy of the correspondence that had taken place between the right hon. Home Secretary and this magistrate. After

the occurrence to which he had referred, a deputation, consisting of some of the most respectable inhabitants and members of the vestry of the parish of Marylebone, waited upon the right hon. Baronet, to request him to investigate the circumstances of the case. The right hon. Baronet consented to do so; and in answer to a question afterwards put to him in that House, he stated that he highly disapproved of the conduct of the magistrate, and that he had censured him. Now, he thought the public had a right to know on what grounds this magistrate justified conduct so directly a violation of his duty; for he did not believe that any other magistrate, under the same circumstances, would have refused to accept bail. Unfortunately, complaints of this kind occurred almost every week, owing to the acts of the magistrates being allowed by the Home Secretary to pass without censure. He thought they were entitled to know on what grounds Mr. Twyford had refused to take bail, and then they would be able to judge of the propriety of the course of the right hon. Baronet with respect to him. Judge-made law was one of the evils this country had to contend with; but police-magistrate-made law was worse still. Where was the redress for the public against these magistrates, if the Home Office refused to interfere? No action could be sustained unless malicious motives were proved, and how was it possible to prove them? The public press was the only resource of the public in such cases, and to the press the public were deeply indebted for their exposures of such cases as these. The Home Secretary was bound, as he conceived, to state to the House the grounds on which he acted. He was not placed in his high situation merely to please himself, but to discharge high and important duties. The hon. Member concluded with his Motion.

Sir *J. Graham* said, after Mr. Speaker had been in the Chair until half-past two o'clock that morning, having sat for ten hours successively during the three preceding nights, he appealed to the House whether it were not too bad for an hon. Member to speak against time for three quarters of an hour, because he stood alone in his desire to obstruct going into Committee of Supply at half-past ten o'clock. He was at all times ready to give information to any hon. Member as to his public conduct; but this transaction had already been before the House on three several occasions—once when the hon. Member for Montrose asked a question respecting it, the answer to which he had understood was satisfactory to the hon. Member, and also to the hon. and gallant Member for Marylebone. As, however, the hon. Member called for an explanation, he was ready to give it a second time. It was certainly true that the provocation given to Mr. Mayer was of the most harassing nature, but at the same time it was his duty to add, that the outrage he committed was very deliberate. Mr. Mayer left his own house in Oxford-street, after dark, armed, not with an ordinary walking stick, but with a bludgeon. He knocked at the door of his brother-in-law, by whom the door was opened, and Mr. Mayer then immediately struck him to the ground with a severe blow on the temple from the bludgeon. The hon. Gentleman said that the temple was no more than skin and bone; that might be very true; but all heads might not be equally thick. Mr. Mayer was with difficulty prevented from repeating the blow by the interference of the police. [Mr. *Williams*: There were no police.] By the bystanders, who interfered to prevent a repetition of the assault, and then Mr. Mayer used most violent language, menacing the life of his brother-in-law. In the meantime, the gentleman assaulted was removed, and medical advice was obtained, when it was discovered that concussion of the brain had taken place, and his life was for some time considered in danger. He was insensible, and sickness ensued. The charge afterwards made against Mr. Mayer was that of a felonious assault with intent to kill; and on such a charge, it being felony, the police were required to apprehend the party, which they did. It was not possible to take him before the magistrate till the following morning, but on the following morning he was taken before Mr. Twyford. The assault was then proved; all the circumstances of provocation were not admitted, and Mr. Twyford did not think it right to investigate the provocation which Mr. Mayer said he had received. Under these circumstances, Mr. Twyford refused to accept bail. On the case being brought before a Judge, upon a writ of *habeas corpus*, bail was immediately admitted by the Judge. He might state, then, as he had stated before, that he thought Mr. Twyford had exercised an unsound discretion in refusing bail; and also, though he (Sir J. Graham) was not quite so sure upon this latter point, he thought that Mr. Twyford was not discreet in refusing to hear as evidence the circumstances of provocation. At the same

time, Mr. Twyford had given an explanation of all the circumstances connected with the case, which he (Sir J. Graham) believed he had accurately stated to the House; and he would repeat his deliberate opinion that Mr. Twyford, though he had erred in judgment, had yet acted on the whole to the best of that judgment, though an erroneous one. There was no pretence for saying that he had been actuated by any improper motives; and as he (Sir J. Graham) did not wish to place on record a censure of Mr. Twyford's conduct, which would render his removal from the magistracy necessary, he must oppose the Motion of the hon. Gentleman.

Mr. *Bernal* was far from saying that the public press should not always be wide awake to the conduct of stipendiary magistrates; but, at the same time, he did say that there had been a run, and a most severe run, against Mr. Twyford. Daily and weekly, there were the most violent attacks upon him in the public press of this country—attacks exceeding in severity anything that he had witnessed before. He (Mr. Bernal) had known Mr. Twyford for many years, and he had asked him about the circumstances of the case; and from what that gentleman had mentioned to him (Mr. Bernal) he was bound to confirm the statement of the right hon. Baronet opposite; and he should wish the House to remember, in addition, that until recently the magistrate had no discretion as to whether he should take bail in the case of felonious assaults; that discretion was only given to him by the 5th and 6th of Victoria. There was also one other point to which the right hon. Baronet had not referred, and that was, that Mr. Mayer said he was prepared to commit the same assault over again. As he understood, Mr. Twyford conceived, if he accepted bail in the case, and Mr. Mayer should strike the complainant with a stick upon the head, and death should ensue, that he (the magistrate) would thereby be placed in an extremely delicate position. He would only further add, that in the vestry of the parish of St. Marylebone, he believed that the opinion was, that the case had gone far enough. He therefore thought, with all deference to the judgment of his hon. Friend behind him (Mr. Williams), that it would have been far better if he had suffered the present matter to have rested.

Sir *C. Napier* confirmed the statement of the hon. Member for Weymouth (Mr. Bernal), that the Marylebone vestry were of opinion that enough had already been done in the matter; and for that reason he had not thought it necessary to interfere further in it.

Amendment negatived.

On the Motion being again put, that the House resolve itself into a Committee of Supply,

Mr. *T. Duncombe* complained that he had been prevented bringing forward his Motion relative to some false Returns made to that House by the Post Office, by the Supply Motion being brought forward when no Notice of Supply had been given. He strongly objected to entering into Supply after eleven o'clock at night.

Mr. *Cardwell* denied that no notice had been given of bringing on Supply. What he stated on the preceding evening was, that he hoped he should not be asked to pledge himself not to bring on Supply on any Monday night, or any Friday, at this period of the Session. With regard to the hon. Member for Finsbury, he was surprised that he should complain of having no opportunity of bringing forward his Motion, when several opportunities had already presented themselves without the hon. Member availing himself of them.

Mr. *S. Crawford* moved that the House do adjourn.

Mr. *Duncombe* seconded the Motion, and proceeded to say, that it was rather unusual for a Member of the Government to state, as had been stated by the hon. Gentleman on a former occasion, that a stranger was waiting in the House for his (Mr. Duncombe's) Motion. There was present, on that occasion, one of those miserable creatures of the Post Office, waiting to prime the hon. Gentleman with materials for opposing his Motion. He told that Gentleman, that his presence might be dispensed with; and yet now he was accused of not bringing forward his Motion.

Mr. *Cardwell* assured the hon. Gentleman he had no intention whatever of taunting him with respect to his Motion.

Mr. *Williams* thought it most unreasonable to attempt to vote away the public money at that hour of the night, particularly as he believed every Gentleman present was in the House at three o'clock that morning.

Sir *R. Peel* said, he would relieve the

hon. Gentleman by not pressing the Estimates.

Committee of Supply postponed.

House adjourned at half-past twelve.

HOUSE OF LORDS,

Monday, June 23, 1845.

MINUTES.] *Sat First.*—The Earl of Abergavenny, after the Death of his Father.

BILLS. *Public.*—1ª. Real Property (Lord Chancellor).

2ª. Small Debts (No. 2); Banking (Scotland); Infeftments (Scotland); Heritable Securities (Scotland).

Reported.—Small Debts (No. 2); Museums of Art.

3ª. and passed:—Small Debts (No. 2); Turnpike Roads (Scotland) Act Amendment.

Private.—1ª. Eastern Union Railway Amendment; Lynn and Dereham Railway; Manchester, Bury, and Rossendale Railway (Heywood Branch); Cromford Canal; London and Brighton Railway (Horsham Branch); Londonderry and Enniskillen Railway; Londonderry and Coleraine Railway; North Wales Mineral Railway; Chester and Birkenhead Railway Extension; Cornwall Railway; Hartlepool Pier and Port; Ashton, Staleybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Extension; Ulster Railway Extension; Great Southern and Western Railway (Ireland); Dublin and Belfast Junction Railway; Manchester South Junction, and Altrincham Railway; Blessington Estates (Earl of Charleville); Follett's or Molyneux's Estate.

2ª. Newcastle and Berwick Railway; Shaw's Waterworks; Glasgow, Garnkirk, and Coatbridge Railway; Guildford Junction Railway; Great North of England and Richmond Railway; York and North Midland Railway (Harrogate Branch); Clydesdale Junction Railway; Birmingham Blue Coat Charity School Estate; North Walsham School Estate (Lord Wodehouse's); Lancaster and Carlisle Railway.

Reported.—Great Grimsby and Sheffield Junction Railway; Earl of Onslow's Estate; Newcastle-upon-Tyne Coal Turn; Brighton, Lewes, and Hastings Railway (Keymer Branch); Morden College Estate; Leeds and Thirsk Railway; Newcastle and Darlington (Brandling Junction) Railway; Waterford and Kilkenny Railway; Sheffield and Rotherham Railway; Midland Railways (Nottingham to Lincoln); Midland Railways (Syston to Peterborough); Lynn and Ely Railway; Ely and Huntingdon Railway; Battersea Poor; Monkland and Kirkintilloch Railway; Caledonian Railway.

3ª. and passed:—Taunton Gas; York and North Midland Railway (Bridlington Branch); Hull and Selby Railway (Bridlington Branch); Whitby and Pickering Railway; Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Kendal and Windermere Railway; West of London and Westminster Cemetery.

PETITIONS PRESENTED. By Marquess of Londonderry, from Landowners and others of Monaghan, and several other places, against the Banking (Ireland) Bill.—By the Marquess of Breadalbane, from Necton, and numerous other places, against the Charitable Trusts Bill.—From Canons of Cathedral Church of Durham, for Exempting a certain Charity from the provisions of the Charitable Trusts Bill.—From Protestant Dissenters of Llantarnam, West Hackney, and Batley, against Increase of Grant to College of Maynooth.—By the Bishop of Durham, and the Marquess of Normanby, from Windynook, and several other places, for the Suppression of Intemperance, especially on the Sabbath; and from Inhabitants of Fortwilliam, and a great number of other places, against the running of Railway Trains on the Sabbath.—From Caithness, and Dunoon, against Repeal of the Laws which require the Subscription of Religious Tests from Professors and others bearing office in Scotch Universities.—From Commissioners of Supply, and others of the County of Ross, against the Banking (Scotland) Bill.—From Lauder, in favour of the Turnpike Roads (Scotland) Act Amendment Bill.—By Duke of Richmond, from Farmers of Town and Neighbourhood of Alton, complaining of Recent Alteration of Corn Laws, and praying for Relief.—From Landowners and others of Christian Malford, and several other places, for Protection to Agriculture.—From Brewers of Birmingham, praying that the Court of Requests may be so Extended as to enable them to Recover Debts not exceeding 20*l.*—From Chetwynde, against the Union of St. Asaph and Bangor, and in favour of the Appointment of a Bishop of Manchester.

MAYNOOTH COLLEGE BILL—THE BISHOP OF LONDON.] The Marquess of *Normanby* begged to call the attention of the House to a point of order. It might be in the knowledge of some of their Lordships that a protest had been entered upon the Journals against the third reading of the Maynooth Bill, which had been signed, amongst the noble Lords, by the right rev. Prelate opposite (the Bishop of London.) He understood it to be the invariable practice of the House that no noble Lord should sign a protest, unless he had been personally present and voted on the question. It was contrary to custom to refer to the terms in which a protest had been drawn; but he might nevertheless observe that this protest was couched in pretty strong terms, stating that the Maynooth Bill was contrary to the principles which had placed the reigning family on the Throne. The right rev. Prelate had signed this protest, but he had not been present at the third reading, and had voted by proxy. He (the Marquess of Normanby) was ready either to submit a Motion on the subject, or to leave it to the right rev. Prelate to move that his name be withdrawn.

The Bishop of *London* said, he had taken part in the discussion on the Bill, and he was not aware that it was necessary for him to be actually present on the third reading to entitle him to sign the protest. As it was, it only remained for him to apologize to their Lordships for any trouble he might have put them to in consequence of his ignorance of the form, and to withdraw his name from the protest.

Lord *Campbell* wished to know whether it was an universal custom of the House that a protest should not be signed by a noble Lord unless he were present when the question was put?

The *Lord Chancellor* said there could be no doubt at all about the practice.

Leave given to withdraw name from the Protest, his Lordship not having been present on the Question being put for the third reading of said Bill, but having voted by proxy.

TENANTS COMPENSATION (IRELAND) BILL.] The Marquess of *Londonderry* asked the noble Lord (Lord Stanley) what were the intentions of the Government with respect to the second reading of the Landlord and Tenants Bill, which stood for to-morrow, and whether they intended to press the clauses, the compulsory clauses especially, in their present shape?

Lord *Stanley* replied, that the Government could not, consistently with what they felt they owed to the public service, consent to postpone the second reading. If the Bill should be read a second time, it was then his intention to move that it be referred to a Select Committee of their Lordships, by which the details and clauses would be fully and impartially considered.

RAILWAY ACCIDENTS.] The Marquess of *Lansdowne* wished to ask the noble Earl opposite three questions with reference to a subject of great importance, that of accidents on railways. First, whether, in the case of any accident occurring on a railway, the state of the law or the practice of the Board of Trade required a report of it to be made to the Railway Department? second, whether an inquiry was immediately instituted by order of the Board? thirdly, whether, if such inquiry were instituted, there would be any objection to report the result of such inquiries, as they occurred, to that House or the public?

The Earl of *Dalhousie* said, in answer to the first question, as to whether railway companies were bound by law or practice to make reports of any accident occurring; that by the Act of 1840, and he thought by a subsequent Act, railway companies were bound to report to the Board of Trade any accident attended with loss of life within forty-eight hours after its occurrence. With respect to other accidents, not attended with loss of life, they were also bound to make a report, though not within so short a period; and, to the best of his knowledge and belief, such reports were invariably made. He was not aware of any instance in which such a report had not been made; if it was neglected, undoubtedly the full penalty would be put in force against the company. With respect to the course of proceeding adopted by the Department on receiving these reports, their practice was according to the circumstances of the case. Unless the case was a very serious one, and the circumstances were of an aggravated complexion, the usual practice was to wait for the report of the coroner's inquest. If the circumstances were unsatisfactory, they had invariably pursued the course of sending down the Inspector General to view the place which had been the scene of the accident, inquire into the circumstances, and report to the Board. The result of this inspection was usually a communication from the Board to the railway company, setting forth the case, and suggesting any alterations that might appear requisite. There, he was sorry to say, the authority of the Board stopped short; they had no absolute authority to require alterations, though the responsibility cast upon the Company by the Board of Trade was often sufficiently strong to bring them about. Upon all such unfortunate occasions immediate attention was shown, and an inspector was immediately sent to decide whether the railway stood in want of repair. As to the reports made upon those accidents, of course there would be no objection to lay them on the Table of the House; and they might, if necessary, be embodied in an annual Report on the subject of railways. If the noble Marquess wished to have the reports as to the recent accidents laid on the Table, there would be no objection.

The Duke of *Wellington* wished to know whether any Report had been made to the Board of Trade as to an accident caused in the neighbourhood of Bridgewater by the luggage trucks getting off the rails?

The Earl of *Dalhousie* said, no such Report had been received, nor had the Board been made acquainted with the accident.

SMALL DEBTS BILL. (No. 2).] On the Motion of Lord *Brougham*, the Small Debts Bill was read 2ª.

Lord *Brougham* then moved the suspension of the Standing Orders, Nos. 26, and 155. Standing Orders *considered* and *dispensed with*. House in Committee. Bill *reported* without amendment.

The Duke of *Richmond* objected to the clause giving to gaolers the power of taking the affidavits of a prisoner seeking for release. He disapproved of allowing the gaoler to administer the oath, and wished that this office should be assigned to the visiting justices. The gaoler was often

required to be absent at the assize town, and was, besides, an inferior officer.

Lord *Brougham* remarked that the Clerk of the Papers in the Queen's Bench, as well as other officers, very inferior in place to the gaoler, administered oaths. A prisoner had no means of drawing any of the visiting justices to the prison to take his oath. The gaoler never could be absent, except when at the assize town, which very seldom happened, for they were generally held in the same town. He would have no objection to insert the words "or the visiting justices."

Lord *Portman* thought it desirable to confine the administration of oaths to the visiting justices.

The Earl of *Wicklow* thought the clause introduced an objectionable novelty, unnecessary for its purpose.

Lord *Campbell* had no objection to allow the governor of the gaol to exercise this function. The governors of gaols were extremely respectable men; he knew many instances in which they had been officers in the Army or Navy, and were above all exception.

The *Lord Chancellor* said, unless the provision of the clause were adopted, the persons whose case it was intended to meet would be left without remedy, for there were no means of procuring the attendance of Masters Extraordinary, who might administer the oaths.

Lord *Brougham* added, that oaths might be administered by gaolers with as much solemnity as in that House. During the judicial proceedings of that House oaths were often administered in a corner, in a whisper, and in a manner not likely to make any serious impression on the minds of the witnesses.

The Duke of *Richmond* suggested that the wording should be amended, so as to make the oath administerable by the visiting or other justices, or if their attendance could not be procured within a certain number of hours, by the gaoler.

The Earl of *Radnor* entirely concurred with his noble and learned Friend as to the lamentable carelessness and levity with which oaths were often administered in the judiciary proceedings of England, and hoped that a remedy would speedily be acquired, now that their Lordships' attention had been called to the subject.

Lord *Brougham* had no objection to the noble Duke's suggestion, and would make the oath administerable by the visiting or other justices, or if their attendance could not be procured within twelve hours, by the gaoler.

Amendments made. Bill read 3ª, and passed.

TURNPIKE ROADS (SCOTLAND) ACT AMENDMENT BILL.] The Duke of *Richmond* moved the third reading of this Bill.

Bill read 3ª.

Lord *Polwarth* approved of the principle of the Bill, which went to abolish public houses at toll-gates; but he thought that in thinly populated districts some provision should be made for the wants of travellers. Though he gave his assent to this measure on principle, he still thought some consideration should be had for those who had invested large sums in those toll-houses. He should therefore propose a clause, for the purpose of exempting from this Act all such districts as were thinly inhabited, and two miles from any town, village, or public house.

The Duke of *Roxburgh* should vote for the passing of the Bill as it now stood. It was true that considerable sums of money were laid out on these houses; but the law only recognised a revenue drawn from the tolls, and from no other source. When it was seen how these houses were erected in the most populous districts, and in the suburbs of towns and villages—when it was mentioned what evils were brought upon travellers from this system—and above all, when it was borne in mind how the present houses tended to demoralize the people, he trusted their Lordships would not assent to any qualification whatever of the principle of this measure.

The Duke of *Montrose* said, he had presented a number of petitions against this Bill. He supported the clause of his noble Friend (Lord Polwarth), as he knew that the carrier was frequently obliged to cross moors of an extent of nine or ten miles without meeting with a single public house or place of refreshment.

Lord *Campbell* must oppose this clause, which, if inserted, would render the Bill not worth a farthing. Enormous mischief had been done by allowing these toll houses to be converted into public houses. All the petitions which had been presented proceeded on the principle that large sums had been advanced for making and repair-

ing the turnpike gates, and that those who had made this outlay could not expect an adequate return, unless the tolls were increased by the profits of the toll keeper as the owner of a public house. But was this a fair source of revenue? It might as well be said that if these houses yielded a profit as brothels, they ought not to be interfered with; and he was informed that many of them merited that description. Was it to be endured that the morals of the people should be undermined for the sake of enabling parties to obtain their interest more regularly? Where there was a demand for public houses it would be supplied in the ordinary way. At all events, he was sure there ought to be an express prohibition, instead of a legislative sanction, of a practice which had done so much injury.

The Duke of *Buccleuch* entirely approved of the principle of this measure; but thought, at the same time, something was to be said for the petitioners against it. He hoped the day was not far distant when all licenses to toll houses would be withdrawn; but, at the same time, he thought some consideration should be shown to those who had invested large sums of money on the faith of the law. He could not concur in the sweeping condemnation pronounced on these houses by the noble Lord (Lord Campbell). He admitted there was much immorality in them as to drunkenness; but as to the other vice, the announcement was new to him, and its commission was certainly not the rule. He thought the proposal as to two miles much too near, and to say what were "thinly-inhabited districts" would be found very difficult. There were, however, many remote parts of the country, the traffic of which was not sufficient to maintain an inn, and where it was most desirable (particularly when snow storms came on) there should be some place of refreshment. He thought more evil was done by the indiscriminate manner of granting licenses than by those toll gate public houses.

The Earl of *Haddington* saggested "four or five miles distant from any public house," as an Amendment to the clause of the noble Baron (Lord Polwarth).

Lord *Kinnaird* should vote against the clause. The trustees let these houses to the highest bidder, and had, therefore, no control over the holders.

Lord *Ellenborough:* Would it not be better to allow the licensing of the present houses, and no more, except in cases where public houses were more than five miles distant?

Lord *Beaumont:* That would extend the operation of the proviso of the noble Baron (Lord Polwarth).

The Duke of *Richmond:* The case stood thus—certain gentlemen (amongst others himself) chose to expend money on these toll gates, and, to get a return as quickly as possible, the public house system was attempted to be justified. 'Twas nonsense to say a Scotchman could not walk more than two miles without whisky. These houses were open every Sunday, and horrible scenes of riot and drunkenness took place in them. He found he must postpone this Bill to Friday, as he was informed by his noble and learned Friend on the Woolsack, that the Commons might object to it, as containing a money clause. The Bill was one of great importance, and he, for one, must say he could not understand why there should be one law for England, and another for Scotland.

Further debate adjourned to Friday.

BANKING (SCOTLAND) BILL.] The Earl of *Ripon* moved the second reading of this Bill, and said it would be unnecessary to trouble their Lordships at any length. He would, however, give a brief explanation of the grounds of this measure. Their Lordships were aware that in the course of the last Session two Acts had been passed for the regulation of the banking system of England—one relating to the Bank of England, the other to Joint Stock Banks—and he believed it had been admitted that the principles upon which these two laws had been founded were wise, just, and consistent with the public interests; and he had reason to think that the anticipations which had been formed of the results of those measures had been realized. These circumstances naturally led to the consideration whether it was not advisable to propose to Parliament the adoption of some measure with a view of regulating the currency—not so much the currency as the banking system—of Scotland; not with the intention of assimilating one with the other, because the system which prevailed in Scotland, and which had existed there many years, had not produced any serious mischief or inconvenience. At the same time it would be a great advantage, as re-

garded the general banking system of the country, if there was some approach to a rational assimilation, as far as circumstances admitted, between the systems in each part of the country. Upon this principle the present measure was founded, and he would state shortly the nature of the measure. It was proposed not to deprive the banks of Scotland of that privilege which they had not abused, as compared with other parts of the United Kingdom, namely, of issuing notes below 5*l.*; it was not intended to interfere with that; it was not desirable to push an abstract principle to excess; but it was thought expedient to impose something in the shape of a limitation of the amount of issue by the banks in England. The effect of the Bill would be to give a species of monopoly to about nineteen banks of Scotland for the issue of notes. But in order to prevent an excess of issue occurring in that part of the country, it was proposed to limit the issue of notes by these nineteen banks. The principle was this:—an average statement was taken of the issues of all the banks, collectively as well as separately and individually, for thirteen months, between the 1st of May, 1844, and the 1st of May, 1845; and it was proposed that the average of the total issue in these thirteen months should be the maximum amount of the issues of each and of all the banks, as far as depended upon securities. But it was proposed by this Bill, in order to enable the Scotch bankers to give still further accommodation, should it be necessary, to allow them, in addition to issue any amount of notes they pleased in proportion to the quantity of coin which, within a period of four consecutive weeks, might be in the coffers of each bank. Each bank, therefore, could not only issue notes to the amount of its average paper issue for the year which the Bill took as the standard of future issues, but might also make an additional issue of notes in proportion to the quantity of bullion in its possession at a given period. He might be allowed to explain to their Lordships the practical effect of this measure upon the amount of currency in Scotland. It appeared that the average circulation in notes of Scotch banks might be taken at 3,063,000*l.*, and that would be the *maximum* amount to which they could continue to issue upon securities; but there was no doubt that considerable inconvenience might arise at particular times if they possessed no facility for extending their issues beyond that amount; for circumstances might occur which would render an increased issue not only not detrimental, but a positive advantage to the public interests. It was therefore provided that they might make a further issue based upon the quantity of coin in their possession. It appeared, that the average amount of bullion held by the banks in Scotland might generally be taken at one-fifth—though in some cases it was one-fourth, and in others, he believed, even as high as one-third—of their total issues; so that if the issue they could make upon securities was 3,063,000*l.*, and taking the average amount of bullion on hand at one-fifth of that amount, they could make a further issue to the extent of 600,000*l.*; and their total issues would, in that case, amount to 3,663,000*l.* Now, this amount of 3,663,000*l.*, which they might issue without obtaining any further stock of bullion, was, in fact, much larger than had been issued during any month of the year upon which the average was based. It appeared that the largest amount issued by the Scotch banks in any one month of the year ending April, 1845, was 3,486,000*l.*, in the four weeks ending September 7; and under this measure the banks, without obtaining additional gold, would be permitted to issue to the amount of 3,663,000*l.* He considered, therefore, that there was no reason to apprehend that any inconvenience would arise from the operation of this Bill; but that, on the contrary, it would be productive of great advantage. It must also be recollected that one of the main securities these Scotch banks had had against danger to themselves was the power and the solvency of the Bank of England; for whenever any difficulties occurred to the Scotch banks they must draw the supplies necessary to meet them from the Bank of England. That being the case, and there never having been manifested on the part of the people of Scotland any desire for a gold circulation, Scotland had never been exposed to those evils which had been experienced in this country by the circulation being excessive, and, as had been the case, the gold in the coffers of the banks being reduced to almost nothing. It was considered by the Government most desirable that the banking establishments of Scot-

land should, like those of England, be placed on the safest footing practicable, and it was with this view and on this principle that the present Bill had been proposed, and was now recommended to their Lordships' consideration. There were several clauses providing for the due execution of the Act, with which he would not then trouble their Lordships, as the period for considering them would be when the Bill was in Committee. He had stated, he hoped, with sufficient explicitness the grounds on which he proposed the measure, and he would now move that it be read a second time.

The Question having been put,

The Earl of *Radnor* thought the Bill a most unnecessary and gratuitous interference with the Banks of Scotland. 'Let well enough alone,' was a maxim as applicable to public as to private matters; and as the system of banking in Scotland had gone on in the most satisfactory manner, and given perfect satisfaction and security to the public, he did not see why it should be interfered with. The framers of the Bill ought to have stated the grounds upon which it had been brought forward, and explained the grievance it was intended to remedy. No application had ever been made, either by the banks themselves, or by the people of Scotland, for any such measure; and the proposed interference was looked upon generally as most annoying and uncalled for. It was true, the measure had not met with so much opposition in the other House as had been anticipated; but the reason of that was, that the interference was found to be not of so bad a character as it was reported it would be. The interference was thought by many to effect so little change in the working of the system as to be scarcely worth opposing. But why interfere at all with a system of which no one complained, and which had received the highest testimony in its favour? There had been no extraordinary cases of failure to justify such a step. On the contrary, the Scotch banks had been at all times remarkable for their stability. In 1842 there had been two failures, it was true; but at those periods, when the whole of the United Kingdom was suffering from pecuniary difficulties, the Scotch banks had remained firm, and no cases of failure had occurred. From the year 1808 to 1820, 113 banks had failed in England, but not one in Scotland. In 1826, a Committee of their Lordships' House was appointed to inquire into the practice of issuing 1*l.* notes in Scotland, and that Committee having investigated and considered the whole system of banking in Scotland, bore in their Report the strongest testimony in its favour. Subsequent Committees had also deprecated all legislative interference with that system.

The Earl of *Ripon*: That was only in reference to the issue of 1*l.* notes.

The Earl of *Radnor*: That was the subject of the inquiry; but the recommendation of the Committee referred to the system generally. The Bill gave no additional security to the public; on the contrary, if it had any effect at all, it would be to tempt the banks to make imprudent issues; for the gold, which the noble Earl admitted they now thought it necessary to keep in their coffers, in amount equal to one-fifth of their whole paper circulation, they would by this Bill be encouraged to make the basis of further issues. If the banks were now so prudent, as it was admitted they were, to keep this large amount of gold by them to meet any sudden demand, why interfere at all, especially when the effect of that interference would naturally be to induce them to depart from that prudent line which they had of themselves adopted? What did the Government fear? Did they suppose the paper circulation of Scotland, if left unchecked, would become too large? Why, it had been proved before a Committee of the House of Commons, that, notwithstanding the population, the commerce, and the wealth of this country, had gone on increasing to a great extent, the paper currency had diminished, and was still diminishing. The increase in the number of the branch banks gave such great facilities for making deposits, that money was not kept in hand as it used to be, and the result was, that the paper currency had decreased. Another objection to the measure was, that its tendency was to encourage monopoly. In the first place, it gave to each bank a monopoly for its own purposes, and as no new bank was to be established, the system would become in the end one of monopoly; and surely this was not the time to establish monopoly. Another result of the measure would be, that the attempt would be made to get rid of notes altogether and substitute gold. The noble Earl concluded by moving, as an

Amendment, that the Bill be read a second time that day three months.

Lord *Kinnaird* also protested against any legislative interference with the existing system of banking in Scotland. He objected to the measure as tending to limit the circulation of Scotland. In fact, the noble Earl himself admitted that it would do so to the extent of 400,000*l.* The limit, exclusive of the issues on bullion, was 3,063,000*l.*; but the noble Earl had shown that in the four weeks ending December 7, the total circulation was between 3,400,000*l.* and 3,500,000*l.*, and this increased circulation of notes during certain periods of the year was most beneficial to the highland and rural districts. He feared that this slight interference (slight it was admitted to be) would, by limiting the circulation to that extent, be most injurious to the country. He could see no grounds for the introduction of this measure whatever, and could only suppose that it had been brought forward because, as it was found necessary to interfere in some degree with the Irish banks, it was thought by the Government that it might be as well to connect the Scotch banking system with the Irish measure.

The Earl of *Dalhousie* thought the absence of the great majority of noble Lords connected with Scotland, was of itself a proof that the measure was not considered calculated to operate injuriously on the country. The noble Earl had stated that the system of banking in Scotland worked well, that it gave sufficient accommodation, and at the same time sufficient security to the public, and that the people were attached to it. The opinion which the Government entertained of that system was best shown by the measure itself, which neither interfered with the practice of issuing the 1*l.* notes, nor with the mode of conducting the business of the several banks, while the averages had been taken upon the twelve months, including those periods during which the issues had been the greatest, without requiring any security. The banks might, after the passing of this Bill, continue to issue up to the full amount of their average issues without security; all that was required was that any excess should be based upon gold or silver in hand. The noble Earl had spoken as though there was no doubt at any time of the solvency and sufficiency of the system: but within his (the Earl of Dalhousie's) recollection there had been periods of extreme difficulty amongst the banks in Scotland; and if, in general, the difficulties at times of pecuniary pressure were not so great in Scotland as in England, the reason was that the Scotch banks had the opportunity of coming upon the Bank of England, and thereby increasing the force of the demand for gold upon it. It was with the view of enabling each part of the Empire to meet its own difficulties that the measure was brought forward. He denied that there was any reason for saying that the Bill would operate as a temptation to the Scotch banks to make improvident issues. All the Bill did in this respect was to enable them to increase their issues on the one-fifth of gold, in proportion to their circulation, or whatever it might be which it was said they usually kept on hand, and which they might now made the basis of further issues.

The Earl of *Radnor:* The banks now thought it prudent to hold the one-fifth of gold in reserve; but under the Bill, if they wished to increase their circulation, they might do so, to the full extent of that amount, without any additional security whatever.

On Question, that "now" stand part of the Motion; *Resolved* in the *Affirmative.*

Bill read 2ª.

House adjourned.

The following Protest against the Second Reading of the Banking (Scotland) Bill was entered on the Journals.

"I. Because this Bill, proceeding on the assumption and stating in the preamble that it is expedient to regulate the issue of bank notes in Scotland, alleges no ground or reason for that expediency, neither that the issue has heretofore been excessive, nor that it has been made on inadequate security, nor that it has been attended with loss or inconvenience to the people of Scotland, nor that the people of Scotland complain of it or desire such regulation.

"II. Because I hold it inexpedient to regulate such issue, inasmuch as,

"1. It is an unnecessary legislative interference with private concerns, and such interference is contrary to all sound principle of legislation.

"2. It will in this case be productive of inconvenience both to the bankers, whose concerns it is intended to regulate, and to the people in general; and,

"3. Is quite uncalled for, and altogether deprecated by the people of Scotland.

"III. Because the Act of last Session (7 and 8 Victoria, c. 32) having given a monopoly of all the banking business of the United Kingdom to the then existing banking establishments, this Bill confirms that monopoly as far as Scotland is concerned, and thus unjustly places the people of that country at the mercy of a combination of bankers, the necessary consequence of which must be, that the bankers will be freed from one strong incentive to pay due attention to the concerns of their customers, and that their customers will be deprived of that security for the faithful discharge of their bankers' duties.

"IV. Because the Bill proceeds on the supposition that an increase in the number of banks leads to too large an issue of bank notes, whereas I conceive (and in that opinion am borne out by the testimony of eminent Scotch bankers) that the amount of bank notes in circulation is regulated by the wants of the community, and, when convertible into coin at the option of the holder, can never be in excess; and that the increase of banks located in different places, and the great extension of branches in remote agricultural districts, by multiplying the opportunities and extending the facilities of making deposits, tends to diminish the amount of notes in circulation.

"V. Because, though it has happened accordingly, that the amount of notes in circulation in Scotland has, notwithstanding the increase of the population, of commercial transactions, and of general wealth, been considerably diminished in the last twenty years; it is not to be expected but that, in the progress of events, a larger supply may at some time be wanted, and such an increased supply is absolutely prohibited by this Bill, except on terms very disadvantageous to the issuers.

"VI. Because bankers, being forbidden by this Bill to enlarge their issues of notes beyond the average of the year ending May 1, 1845, except to the extent of the coin held in their coffers, it will happen that, in the event of any misconduct on the part of any bank, or dissatisfaction on the part of its customers, if those customers resort to another bank, which they consider either more safe or more accommodating that bank can transact their business only by increasing its issues against gold, whereby banking accommodation of every description in Scotland will be obstructed and rendered more expensive.

"VII. Because I apprehend that the provisions of this Bill, enabling the banker to increase the issue of his notes permanently beyond the average of the year ending the 1st of May, 1845, to the extent of coin retained in his hands, are illusory, and will be useless, for it is difficult to understand with what view a banker should issue any notes under such restrictions, inasmuch as he would entail on himself trouble and expense, and could derive no profit from the transaction.

"VIII. Because the immediate effect of this Bill is to hamper the business of banking, and its unavoidable effect to concentrate in fewer hands all the banking affairs of Scotland, and constantly to bring them nearer and nearer within the compass of a close monopoly.

"IX. Because, if the banking business of Scotland is confined to fewer hands, the public will be deprived of the benefit of free competition, which is constantly stimulating the ingenuity of rival bankers to devise new expedients for facilitating banking operations, in the hope of retaining or extending their business, to the great advantage of the public.

"X. Because, in the case of banking, as in every other business, monopoly is injurious both to the public and, in the long run, to the persons to whom it is conceded; and it is in evidence before a Committee of the House of Commons that the great competition existing amongst the banking establishments of Scotland, while it has restrained within moderate bounds the profits of the banking business, has, by raising the rate of interest given on deposits, and lowering the rate of interest charged on loans, greatly benefited the community.

"XI. Because the substitution of bank notes for coin is one of the most ingenious and useful improvements of modern times, and, provided the notes are at all times convertible into coin, at the option of the holder, is attended with no risk, affords great convenience for commercial transactions, and is productive both of saving to the public and of advantage to individuals; and to check it, which is the object of this Bill, is to take a retrograde step in the path of civilization.

"XII. Because, if there is, as some apprehend, anything dangerous or unsound in the banking arrangements of Scotland, it proceeds, not from the amount of paper currency, which this Bill is intended to limit and control; but from the extent of credit, which it affects only in a circuitous and mischievous manner.

"XIII. Because the banking system of Scotland, hitherto wholly free and uncontrolled by any legislative regulation, has worked most beneficially for the people of that country, and has given them entire satisfaction, and I therefore can see no call of necessity, expediency, or prudence for the present attempt to regulate it by law.

"RADNOR.

"June 24, 1845."

HOUSE OF COMMONS,

Monday, June 23, 1845.

MINUTES.] BILLS. *Public.*—2°. Lunatic Asylums and Pauper Lunatics; Lunatics; Art Unions.

Reported.—Colleges (Ireland); Poor Law Amendment (Scotland); Assessed Taxes Composition; West India Islands Relief; Sir Henry Pottinger's Annuity.

Private.—2°. Epping Railway (No. 2).

Reported.—Erewash Valley Railway (No. 2) (re-commit-

ted); Bermondsey Improvement (No. 2); North Union and Ribble Navigation Branch Railway (re-committed); Glasgow Junction Railway; Aberdare Railway.

3°. and passed:—Dublin and Belfast Junction Railway; Ulster Extension Railway; Manchester South Junction and Altrincham Railway; Cromford Canal; Manchester, Bury, and Rossendale Railway; Great Southern and Western Railway (Ireland); St. Helen's Improvement; Chester and Birkenhead Railway; Lynn and Dereham Railway; Ashton, Staleybridge, and Liverpool Junction Railway (Ardwick and Guide Bridge Branches); Cornwall Railway.

PETITIONS PRESENTED. By Mr. Bright, from Joseph W. Doughty, of Melbourne Place, for Protection (Registration of Voters).—By Mr. E. B. Roche, from Cork, for Repeal of Union with England.—By Mr. F. Maule, from Members of the Free Church of Scotland, complaining of Refusal to Grant Land to Free Church (Scotland).—By Sir R. H. Inglis, from Arthur Perceval, B.C.L., against Jewish Disabilities Removal Bill.—By Mr. Duncan, and Mr. Dundas, from several places in Scotland, for Better Observance of the Lord's Day.—By Mr. Bright, from Bythorn, and Geddington, for substituting Oaths in lieu of Affirmations.—By Mr. Bannerman, and Captain Wemyss, from several places, in favour of Universities (Scotland) Bill.—By Sir W. Codrington, from several places, for Relief from Agricultural Taxation.—By Mr. Wawn, from South Shields, for Reduction of Tolls and Dues levied by Lighthouses.—By Mr. T. Duncombe, from a great number of places, in favour of Arrestment of Wages (Scotland) Bill.—By Mr. J. O'Connell, from a great number of places, against Colleges (Ireland) Bill.—By Sir R. Peel, from Dublin, for Alteration of Colleges (Ireland) Bill.—By Sir Robert Peel, from several places, in favour of Colleges (Ireland) Bill.—By Mr. Beckett, Mr. Bright, Mr. C. Buller, and Mr. Colquhoun, from a great number of places, in favour of the Ten Hours System in Factories.—By the Solicitor General, from Frederick Mansell Danga, complaining of Maladministration of Justice in the Island of Guernsey.—By Mr, Entwisle, and Mr. Heathcote, from Oldham and Tiverton, in favour of Physic and Surgery Bill.—By Mr. O'Connell, and Captain Wemyss, from several places, for Alteration of Poor Law Amendment (Scotland) Bill.

ACCIDENTS ON THE GREAT WESTERN RAILWAY.] Mr. *O. Stanley* begged to ask the right hon. Gentleman the President of the Board of Trade a question respecting a serious accident which had recently occurred on the Great Western Railway, although fortunately it was not attended with loss of life. A few days after that accident another took place; and, as it appeared, on the same part of the line. He understood that the Board of Trade, being desirous of obtaining an opinion as to the cause of these two accidents, had sent the Inspector-General, General Pasley, to view the line. The question he wished to ask the right hon. Gentleman was, whether the Board of Trade had received General Pasley's Report; and if so, whether the right hon. Gentleman had it in his power to give the House any information as to the cause of the accident, and whether that cause still remained? It was of great public importance that a full inquiry should be made into the subject; for an impression prevailed out of doors that the rails were not altogether safe, considering the velocity with which the trains proceeded.

Sir *George Clerk* said, that information having been received by the Board of Trade, that a serious accident had occurred on Tuesday on the Great Western Railway between Drayton and Slough, the Inspector General of Railways was immediately directed to visit the spot, in order to ascertain and report, as fully as he could, the cause of the accident, so that on receiving the Report, the Board might consider what measures should be taken to prevent the recurrence of similar accidents. General Pasley had made his Report, and it appeared by that Gentleman's statement, that the accident was owing to the elasticity of the rails in that particular part of the line. They were the rails which were originally laid down by the Company, and which were much lighter, and the sleepers of less size than those which were afterwards found necessary to be used. The Company had, in consequence, been laying down new rails of much greater weight, and new sleepers of greater size and strength, which it was believed would prevent that elasticity of the rails which was the immediate cause of the accident. It would be recollected that some few years ago, in consequence of some serious accidents having occurred by the first carriages in the train being too near to the engine, it was suggested that a luggage-van should be placed between the first carriage and the engine. That course had been adopted on the Great Western, as well as on the other railways. But in the express train, which had been running within the last three or four months, it was a matter of importance that it should carry as little weight as possible; accordingly, the luggage-van following immediately after the engine was a very light carriage, with only four wheels. The consequence was, that the engine being of greater weight than the luggage-van, caused the elastic rails to be somewhat depressed, and then the van coming immediately after, being lighter than the engine, was raised by the rebound of the rails, and was thus thrown off the rails; and this happening, the other carriages were also dragged off the rails. The Inspector-General, General Pasley, had called the attention of the Company to the subject, and the Company had, in consequence, determined to

have a heavier luggage-van, of six wheels, instead of four, which would be much less likely to be thrown off the rails; and they had also determined that the van should be loaded to such an extent as to be of equal weight with the passengers' carriages. These arrangements, General Pasley was of opinion, would prevent similar accidents in future. That the accident of Tuesday did occur from the cause stated by General Pasley, appeared almost certain from the circumstances attending the second accident, which happened on Friday, because the luggage-van was placed the last carriage in the train. But it did so happen that that carriage was also thrown off the rail; but, under the circumstances, it was not productive of any accident. He hoped that, from the cautions which the Company were now taking there would be fewer accidents in future. He understood that, in the course of a very short time—in the course of this summer—the whole of these rails and sleepers would be repaired, and a heavier luggage van employed. Under these circumstances, the Inspector-General was of opinion that no danger would arise from the speed of the express train. The accident did not arise from the velocity of the train, which, at the time the accident occurred, was going at the rate of sixty miles an hour.

SERVICE OF PROCESS BILLS—EXPLANATION.] Mr. Serjeant *Murphy* trusted that the House would bear with him for a few minutes while he made an explanation personal to himself; in the sequel he apprehended it would be seen that allusions had been made to him elsewhere, not justified by the real facts of the case, and which, if unexplained, were calculated to do him deep injury. He wished shortly to state the circumstances under which three Bills had been entrusted to him, his conduct regarding which had been made the subject of animadversion. Those Bills were to regulate the common law process in England, Ireland, and Scotland, the object being that there should exist an intercommunication of process between the three parts of the United Kingdom. If any party were domiciled in this country for a single day, however his usual residence might be in Ireland or in Scotland, he was to be amenable to the tribunals of England at the will of any creditor. In another object of the Bills all must cordially concur, viz., to do away with the circuitous, inefficient, and onerous process against parties going out of the jurisdiction of the courts. To this object he subscribed to the fullest extent; but to the former he could not give his approbation. The Bills had been introduced last year; but opposition was raised to them in several quarters, including the Attorney General for Ireland, and the Lord Advocate of Scotland; and, in addition, he might mention that there was no adoption of them by Government. Upon leaving for circuit last year, he had entrusted these Bills to the care of one upon whom there could rest no charge of want of steadiness or assiduity—the hon. Member for Cirencester—who had taken great pains on the subject, and had had several interviews with Members of the upper House. Somehow their Lordships would not consent to pass them, and they were dropped. Nevertheless, without any alteration, they had been re-introduced in the present Session. They passed the other House of Parliament, and were sent down to the Commons, and a noble and learned Lord had requested him (Serjeant Murphy) to take charge of them. He had undertaken the duty, but he found, in the meantime, that a great deal of opposition had been raised against them. Remonstrances crowded in upon him from all quarters, and from men of all politics, who complained that it was a change in the law extremely injurious to Irishmen, whose visits being frequent to this country, and in great numbers, it would make them liable to great expense in being sued out of Ireland upon any disputed contract. The members of the profession in Dublin also remonstrated, because it would take a considerable quantity of business from the jurisdiction of their courts. The consequence was, that he had felt it necessary to address the noble and learned promoter of the Bills, and most respectfully to ask leave to decline having anything further to do with them. The answer to his letter bore no date; but he (Mr. Serjeant Murphy) believed that he received it on the 1st of May. It was in these terms:—

"My dear Murphy—You are quite right to wash your hands of the obnoxious bills.

"I shall be perfectly satisfied if Cripps takes the charge of them.

"I remain yours truly,

"CAMPBELL.

"Mr. Serjeant Murphy, M.P."

It would, perhaps, be in the recollection of the House that he had adopted the very expression of the noble and learned Lord, for he had said that he washed his hands of the Bills. What he had read, taken alone, was not an abandonment of the measures by the noble and learned Lord; but in the afternoon of the same day he received another note from his Lordship, which ran thus:—

"My dear Murphy—Personally I do not care one farthing about the Bills. I cannot possibly understand the opposition to them, as they introduce a palpable improvement, without trenching on the pecuniary interests of any class or individual, but I have not the smallest objection to their being allowed to drop.—Yours truly,

"CAMPBELL."

He communicated on the subject with the hon. Member for Cirencester. They compared notes on the probability of passing the Bills, and agreed that, considering the opposition, it was out of the question they could pass. When this opinion was communicated to the noble Lord he seemed reconciled to the loss of his offspring, and only anxious for their decent interment. Perhaps his complaint now was, that the ceremony had not been quite as decorously performed as he wished. Having thus stated the facts, he (Mr. Serjeant Murphy) did not wish to trench on Parliamentary privilege, but briefly to advert to what had occurred in another place. From what he had seen and heard he had reason to think that the noble and learned Lord was impressed with a notion that the mode in which his Bills had been dealt with was altogether without his authority; but only a few days before his hon. Friend the Member for Cirencester had stated to the noble and learned Lord that the Bills could not pass, and the noble and learned Lord had assented to the proposition. A statement had also been made by one of the highest personages in another place, by one whose opinion on any matter regarding the administration of the law, or any person concerned in it, must carry the greatest weight; he (Mr. Serjeant Murphy) was not blind to the fact that that statement, though made in a moment of jocular allusion, was calculated to do him very deep and serious injury. That noble and learned Lord had his sentiment echoed by another noble and learned Lord, and the impression seemed to be that he (Mr. Serjeant Murphy) had committed a gross breach of confidence, and had sacrificed to an idle and foolish joke what had been entrusted to his care and fidelity. He would only say this, that if he put himself in the place of the noble and learned Lord, and had heard an injurious statement of the kind made, when he had it in his power to give an explanation and had not given it, he should not think that he deserved much praise for suppressing it. It had been said, moreover, and repeated in many quarters, that the reason he had given up the Bills was a selfish and truckling acquiescence to the suggestions of the hon. and learned Member for the county of Cork; but that hon. and learned Member knew, that deep as was his (Mr. Serjeant Murphy's) obligation to him, in common with the rest of his Roman Catholic brethren, and gratefully as he always responded to this feeling when the hon. learned Member was not in the triumphant position he now occupied, and when he had been called upon to defend him in his absence, he had never truckled to him with base and slavish adulation. The first act of his Parliamentary life had been to declare that he would exercise a free and unbiassed judgment; and in a few days it might be known from the public prints, as it might now be heard from him, that the last act of his political life had been, in answer to a demand made by his constituents to join the Conciliation Hall, and adopt Repeal, firmly and respectfully to decline compliance. He hoped that what he had said would exonerate him from the charge of having sacrificed the three Bills to a stupid joke, or of having abandoned them in slavish obedience to the dictation of the hon. and learned Member for Cork.

LAW OF SETTLEMENT.] In answer to a question from Mr. *S Crawford*,

Sir *James Graham* said, that having ascertained that there existed in the country great contrariety of opinion respecting the proposed change in the Law of Settlement, he did not intend to press that part of the measure in the present Session. Nevertheless he hoped that the Bill might be read a second time, as the larger portion of it related to the power of removal and the mode of trying appeals; he was most anxious that in these respects a remedy should be applied to the defective law in the present Session.

REGISTRATION IN IRELAND.] Mr. *E. B. Roche* referred to a question he had formerly put to the right hon. Baronet, whether he intended this Session to introduce two measures relating to municipal reform, and the registration of voters in Ireland? The right hon. Baronet had replied that he should be better able to answer when the Irish business already before the House, was in a more advanced state. It was now within less than a month of the end of the Session, and he (Mr. E. B. Roche) was, therefore, anxious to obtain the information he had requested.

Sir *James Graham* regretted that Irish business had not advanced as rapidly as could have been wished. On this very evening the House was going into a Committee on the Irish Colleges Bill, to which Ministers attached the utmost importance; and before the other House of Parliament was another measure of great value relating to landlords and tenants. Considering, therefore, the period of the Session, and the present state of Irish business, he feared it would be impossible to introduce the Bills to which the hon. Member referred.

COLLEGES (IRELAND).] Sir *J. Graham* moved the Order of the Day for the Committee on the Colleges (Ireland) Bill. The right hon. Baronet proceeded to say: Sir, in making the Motion that you now leave the Chair, that we may go into Committee on the Bill, I shall avail myself, by the permission of the House, of this opportunity of answering several questions which have been put to me on former occasions by hon. Gentlemen in different parts of the House; and, in so doing, I will avoid everything in the shape of argument, which will be more generally applicable when the Amendment of my noble Friend the Member for Hertford (Lord Mahon) shall be before the House. And, first, I will answer the question of the right hon. Member for Northampton (Mr V. Smith), with reference to the class of persons for whose benefit this measure is intended. The House will remember that in moving the second reading of this Bill, I stated that I and my Colleagues were of opinion, considering the great spread of education among the humbler classes in Ireland, considering that there are 400,000 children receiving education under the national system, and 100,000 children receiving education from other charitable institutions, making an aggregate of 500,000 persons of the humbler classes now receiving instruction—I say, that considering this spread of education among the humbler classes, and that the Dublin University is open to persons of the highest classes, it did appear to us that in Ireland we ought to extend to the middle classes means of education with which they are not provided, and that this is a want which it is the duty of Parliament to supply. My answer to the question, therefore, put by the right hon. Member for Northampton, "for whom is this education intended?" is, that it is intended for the middle classes, for the commercial, banking, and manufacturing classes of such towns as Cork and Belfast, and also for the gentry, by giving facilities to such as would find an academical education for their sons in Dublin inconvenient. When I state, however, that in establishing these institutions, it is the design of the Government to benefit the middle classes in Ireland, I am very far from intimating by that design, that even the upper classes will not find this collegiate education useful and available; on the contrary, our opinion is, that if the House shall give effect to this measure, the education thus provided by the aid of the State will be, if not superior, at any rate not inferior to the education provided in the Universities of Scotland and in the University of Dublin itself. When I say, therefore, that the Bill is intended for the middle classes, I should do an injustice to the measure, if I confined it to those classes. The next question to which I am about to apply myself was asked by the noble Lord the Member for the city of London, which is of a practical character, and relates to the appropriation of the money. With respect to the capital sum of 30,000*l.* to be laid out in the purchase or building of these Colleges, the noble Lord will not expect me to enter into details. I may say that this is a maximum sum, and it is not by any means exorbitant. The object may be effected at a less cost; but it was our duty, when we came to Parliament for a vote, to ask such a sum as would be sufficient, and this amount is an approximation to the sum which we believe to be necessary. The noble Lord's question, however, applies to the appropriation of the 7,000*l.* a year granted to each institution. Of course, I cannot bind myself to all the details; but I think it right, before public money is voted out of the Consolidated Fund, that Parlia-

ment should be in the possession of the views of Her Majesty's Government as to the general appropriation of this sum. We contemplate a provision for each institution of a president and vice president. The maximum salary for the president will be about 700*l.* a year; the maximum salary for the vice president will be about 400*l.* a year. Then we contemplate from twelve to fourteen professors for each College, and the sum awarded to each I should say ought not to be less than 200*l.*, nor more than 300*l.* a year. There will be, in addition, the librarian, the bursar, and the college servants. For the librarian the salary will be about 200*l.* a year; for the bursar about 100*l.* a year, and for the college servants about 300*l.* a year; making together an annual sum of about 5,000*l.* There will remain a surplus of about 2,000*l.* Now the House will remember that as these are infant institutions, it will be necessary to provide for a library, astronomical instruments, and a scientific apparatus for experiments. It is our intention, if we are allowed to carry this plan into execution, to provide in the Charter of Incorporation for an annual public examination of the students, and we should recommend that to the students of the first year, to the number of twenty, who shall, at the public examination, evince the greatest proficiency there shall be given a premium of 20*l.* each. Again, there will be a public examination in the second as well as the first year, and we propose to give to those who shall then distinguish themselves, to the number of about twenty, premiums of 25*l.* each. There will also be an examination in the third year; and, probably, the last year of the collegiate education, with an exhibition of not less than 30*l.* to twenty students. This will require from 1,000*l.* to 1,500*l.* a year. As I have stated, therefore, there will be the annual expenditure of 5,000*l.*, exclusive, during the three years required by the *curriculum*, of sums annually awarded for exhibitions for those who for their qualifications shall have distinguished themselves, of 20*l.* 25*l.* or 30*l.*, and exclusive also, for founding a library and providing scientific apparatus, of an annual sum to be expended under the direction of the governing body. I do not mean by this statement to fix the Government to 300*l.* or 400*l.*; but for the object of the inquiry made by the noble Lord, I hope the information I have given will, for all present purposes, be sufficient. And this brings me to another point, on which a question was asked, not, as I think, by the noble Lord the Member for London, but by the right hon. Gentleman the Member for Dungarvon (Mr. Sheil); it is a point to which I know great importance is attached, and to which the hon. Gentleman the Member for the county of Limerick (Mr. Smith O'Brien), when he addressed the House, partly referred. In opening to the House the reasons which induced Her Majesty's Government to propose this measure in its present form, I stated that the principle on which the measure was founded was not to compel any religious tests to be taken by the governing body, by the students, or by any one connected with the Colleges. To that principle, I and my Colleagues steadily adhere; but, at the same time, when we consented to the exclusion of every religious test, we did consider whether ample precautions could not be secured by Statute to prevent the professors from abusing their power, and endeavouring to sap the faith of the students placed under them for instruction. In the absence of any religious test, we considered that no security could be devised at once so valid and so unexceptionable as the appointment of all persons connected with these institutions by the responsible advisers of the Crown, who will be responsible for those appointments to the Parliament. In all analogous cases, this rule has been maintained; and, speaking generally, where the State grants the endowment, the Crown has the appointment. It is so with the Regius Professors in the English Universities; and with respect to the Regius Professors in the Universities in Scotland; and, speaking generally, the rule has been that where the State endows, the Crown nominates. I am not, therefore, prepared to alter that arrangement with reference to the President and Vice President of these Colleges. I think, also, that the first nomination, when it it will be necessary to give the first momentum to the new machine, should be on the advice given to the Crown by the responsible persons entrusted with the Government. With respect to the future appointment of professors, I am not unwilling to meet the wishes of hon. Gentlemen opposite to a limited extent. I have already said, that in the appointment of the President and Vice President, I am not disposed to make any change; but, if it shall be the pleasure of the House, I shall not be unwilling, in the case of the professors after the year 1848, that is, after three years from the foundation of the

Colleges, that Parliament shall reconsider the mode in which the professors shall be appointed. I am quite willing, when the Colleges shall have been in operation for three years, that the whole question as to the appointment of the professors shall be reconsidered by Parliament; and when I say, after the measure shall have been in operation for three years, it cannot be supposed that, as if by magic, these Colleges when founded and established, will come at once into active operation, or that this can be till after the lapse of a very considerable time. I think, therefore, that if the appointment of professors be reconsidered after three years, everything that can be fairly demanded will have been conceded. It will be a concession which is, I think, of considerable importance, and to which I have before adverted. I have said why I take the period of three years, because within that period the Colleges, though founded, will not come into active operation. I adhere to the opinion that this measure will be incomplete unless these Colleges are combined in some University. In my opinion, the want of degrees in law, in arts, and in sciences to be granted to the students in these Colleges must necessarily be supplied by an University. Not only is there nothing in this Bill to forbid such an arrangement, but more, it decidedly contemplated it. If the University shall examine for degrees, the examiners will be appointed under the prerogative of the Crown, as in the London University; and, to apply the ulterior arrangement of an University to the change I shall propose, if an University shall be established it will be a natural arrangement that the governing body shall have the power of recommending to the Crown, as the various professorships in the Colleges shall become vacant, those whom, after examination or otherwise, they shall deem best fit by merit to fill the chairs, preserving always to the Crown a veto. I now come to a very important provision, framed with the view of meeting what appears to me the general opinion of the House, for the moral control of the students in those Colleges sent from the care of their guardians and parents into the heart of a large town. To meet the deficiency in the present Bill, the Clauses which have been printed have been framed; and I think that if the House will favour me with a perusal of those Clauses they will think the provision for the moral control will be perfect. The young men will reside with their parents and guardians, or under persons selected by their parents and guardians; and if not, they will be congregated in boarding houses or halls. When the students reside with their parents and guardians, no further control over their moral and religious instruction can possibly be desirable; the parents and guardians are the natural persons to be entrusted with this control, and the interference of the State will be worse than superfluous. If they reside with persons selected by the parents and guardians, it will be desirable and necessary that some caution should be used. The House will see that a license will be required by the persons allowed to take in boarders, even with the consent of the parents and guardians. There is a provision for revoking this license, and, as it is to be renewed each year, there will be an annual revision by the governing body. With respect to the halls, every encouragement is given by this Bill to their foundation. Incorporation is contemplated, and in their incorporated character they may receive loans from the Board of Works in aid of their foundation. The choice of the principals of these halls, and the rules and regulations, will be made under the immediate control of the visitors. And this brings me to the important question, who are to be those visitors? This is a point on which I cannot bind the existing or any future Government; but I do not hesitate to say that I consider the moral and religious instruction of the youth in those Colleges will materially depend upon the rules and conduct of these halls, and that it will be necessary to give great power of control to the visitors. The power of appointing the principals is to be vested in the visitors, and no rule with respect to their guidance and administration is to be carried into effect without the consent of the visitors. Then comes the question, who are to be the visitors? I confess, not binding in terms (and it is impossible for me to bind) future Governments, my own view and the view of my Colleagues is, that in selecting the visitors the heads of the religious establishments in each quarter should be taken: for instance, in Belfast the bishop of the Established Church in that diocese, an eminent Presbyterian clergyman possessing the confidence of that body, and also the Roman Catholic bishop; so also at Cork — the Roman Catholic bishop of the district, and the Protestant bishop; and generally it would be desirable for the Crown to appoint as visitors

those possessing ecclesiastical control in the district, and enjoying the confidence of the large body of the particular religious persuasion of the district. I have now answered all the questions put to me, I think, with the exception of the question put by the right hon. Member for Dungarvon, and pressed also by the hon. Member for Limerick—are we prepared to appoint a chaplain, to be paid by the State, and to officiate within the College? After giving to that question the best consideration in our power, I and my Colleagues are of opinion that any such appointment for religious duties to be performed within the College is decidedly at variance with the principle of this Bill, and to any such arrangement we are decidedly opposed. We cannot hold out the least prospect that upon that point we shall be prepared to make any concession whatever; I should be deceiving the House if I said otherwise. Now, I am not aware that I have omitted to answer any question of importance that has been put; and I do not think that in this stage of the discussion, when a very important point is about to be raised by the noble Member for Hertford, it would be expedient for me voluntarily to introduce doubtful matters, which would lead to debate; and, therefore, reserving to myself the right of answering any of that noble Lord's arguments, I think it best now to conclude by moving that you do now leave the Chair.

Lord *J. Russell:* There is one point, I think, not exactly explained. The right hon. Gentleman was asked with regard to the future appointment of professors, and I understood him just now to state that that is a matter to be reconsidered by Parliament in 1848; but I do not quite understand whether that is to be left open to the consideration of Parliament by a clause, and the power of the Crown to cease when Parliament has supplied that want, or whether any mode is proposed by which the future arrangement, whether by appointment of a board of examiners or otherwise, should be enacted in this Bill.

Sir *J. Graham:* Obviously it will suggest itself, in the first instance, without consideration, that it would be desirable to leave in suspense the power of appointment until 1848, with a view of securing some reconsideration by Parliament; but the noble Lord will find that that course is impossible. This Bill contemplates a charter of incorporation for the foundation of each College, and a corporation must be a body of a permanent and enduring character; the charter of incorporation, therefore, cannot contemplate any contingency by which any of its members shall cease to be appointed. To meet that difficulty, which is of a legal nature, I shall propose the 10th Clause in this form:—

"Provided always, and be it enacted, that no College shall be entitled to the benefit of this Act, unless it be declared and provided by the letters patent constituting the same, that the visitor or visitors of the said College shall be such person or persons as it shall please Her Majesty, Her heirs and successors, to appoint from time to time by warrant under the Sign Manual; and that all the statutes, rules, and ordinances concerning the government of such College shall be made or approved by Her Majesty, Her heirs, and successors; and that the President, Vice President, and Professors in the said College shall hold their several offices during the pleasure of Her Majesty, her heirs and successors; and that the sole power of appointing the President and Vice President shall be vested in Her Majesty, Her heirs and successors; and that the power of appointing the Professors shall be vested in Her Majesty, Her heirs and successors, until the end of the year 1848, and afterwards as it shall be otherwise provided by Parliament; or, in default of any provision to the contrary, in Her Majesty, Her heirs and successors."

The noble Lord will see that that contemplates a revision by Parliament; but it was necessary to provide, failing such revision, for the continuance of the power of appointment in the Crown.

Lord *Mahon* rose to bring forward as an Amendment the Resolution of which he had given notice:—

"That it is the opinion of this House, that in the establishment of Colleges in Ireland, provision should be made for the religious instruction of the Pupils, by means of Lecture Fees, till such time as private benefactions for that object may have taken effect."

The noble Lord, in admitting the advantages of academical education for Ireland, and thanking the Government for attempting to promote it, felt bound, nevertheless, to assert the principle, that without religious and moral culture no education was of any real value. What was the course proposed in that respect in the Bill before the House? In the 15th Clause, it was provided that it should be lawful to give or bequeath lands or money for the purposes of religious instruction in these Colleges. In Clause C. of the amended Bill there was likewise a similar provision. But what security was there held out that

any such benefactions would be made at all; still less that they would be made within any known, or fixed, or definite period of time? So far, therefore, as religious instruction was concerned, the Bill was left wholly dependent upon private charity—a foundation on which he maintained that it should never be suffered to rest for its support. But he would go even farther: he should object to the establishment of religious education upon that footing, even if the anticipation of the promoters of the measure took effect. Even if it could be proved to him that within one year from the passing of this measure, ample subscriptions would be received, and sufficient religious instruction be provided; he should even then object to the precedent, and fear lest it might hereafter be urged with irresistible force in cases where the contingency of such private benefactions might be infinitely smaller. Let them only consider how such a precedent, even now, would be viewed by those whom it chiefly affected. It was very well for them to lament the religious differences that prevailed in Ireland, and to assert that religious instruction was prevented by those unhappy differences, and by them alone; but how would the absence of such instruction appear to the pupils themselves? It would be as if the heads of the College were thus to address them:—"Astronomy is of great value; here we have a skilful astronomer to teach you. Latin must not be neglected; an excellent scholar is provided you, and you must attend him punctually. The lectures on anatomy, too, are most valuable; mind that you are there every day at twelve o'clock. But, as to religion, that is no affair of ours; deal with it as you please, or as you can; learn it anywhere, or nowhere, or not at all." He did not mean to state that the professors would say so in words; nor did he ascribe to them any such indifference as to religious truth; but such would be the inference drawn infallibly by the pupils. Then the 14th Clause, to which an Amendment was to be moved, had words to the effect that no student should be compelled to attend theological lectures, or religious exercises of any kind whatever. To these words, he entertained the strongest objection; but he admitted, at the same time, that the Amendment which, as he understood, the Government had in view, would entirely remove that part of the evil. He would also willingly admit that the other Amendments of his right hon. Friend (Sir James Graham) went a long way in the right direction to remove the obnoxious portions of the Bill. But, at the same time that he did so, he would maintain that these ameliorations should be no reason either with the Government or with the House, against making any further improvement which should be deemed practicable, for the purpose of giving a religious character to the measure. The argument used by his right hon. Friend at the head of the Government a few days previously was, that even if, from the peculiar circumstances of Ireland, it was found impossible to afford religious instruction by authority, as should be done in England and in Scotland; yet that even then the instruction of the pupils in the sublime discoveries of modern science was in itself, an immense advantage. He (Lord Mahon) would admit the advantage, if the system of explaining these discoveries were to find the pupils in the same position as at first. But how stood the fact? In the great majority of cases, the pupils would have to leave their homes to attend the Colleges; they would come from distant parts of Ulster to Belfast—from distant parts of Connaught to Limerick or Galway; thus you summon them from their own religious pastors, and make no religious provision for them when they come; you take away parental care, and yet you do not substitute academic rule. And while he was on this part of the subject, he would call the attention of the House and of his right hon. Friend to an able letter from the Rev. Dr. Cahill, the head of a Roman Catholic seminary at Blackrock, Ireland, which had appeared recently in the Irish papers, and in which was pointed out in detail by extracts from several celebrated lectures, and from the Bridgewater Treatises, how prone were professors at Universities, and expounders of science, to indulge in reflections, however unconnected with the subject before them, against the religious feelings of Roman Catholics, or other religious persuasions different from their own. Another argument used by his right hon. Friend the Home Secretary on a former occasion was, that the proposed Colleges would be founded on the same principle as the national schools in Ireland, the only difference being that they were adapted to students of a different age, and perhaps of a higher class. He had heard that statement with great surprise from a Minister so intimately acquainted with Irish affairs as his right hon. Friend; and he doubted whether he would

find himself able to support that opinion. The principle, notwithstanding the religious differences in Ireland, of the system of national education, was to enjoin religious instruction; but the system now proposed was the very reverse, for it said that they should not deal with religious instruction at all. In the national schools the attempt was made to give religious instruction: be it wisely or unwisely, successfully, or unsuccessfully, the attempt was made; but in the present measure any such attempt was most expressly disclaimed. If he wished for any confirmation of what he believed had been the design of national schools in Ireland, he could find it in the words of that Minister who was at the head of affairs when that measure was proposed, and therefore was in a peculiar degree answerable for its success. What was the statement of Earl Grey in another place? He said, on the 22nd March, 1832—

"The question was, were they to have a system of national education or not? A system of education, as applied to Ireland, to be national, must not exclude the Catholics, who formed the great majority of the population. The intention, then, *ex vi termini*, must be that Catholics should be admitted. But they could not be admitted, if conditions were imposed upon them contrary to their religious faith. The indiscriminate use of the Bible, without note or comment, was objected to by them. It was proposed, therefore, that for four days in the week, the education should be moral and literary, not excluding such selections from the Bible as might be agreed upon; and that, during the remaining two days, and even before and after school hours on the other four, the children might receive the instruction of their respective churches, in addition to the regular attendance at divine worship on the Sabbath. Could it be said with truth that, in doing this, the use of the Bible was excluded?"—

But if this could not be said truly of Lord Grey's scheme, might it not be said, with at least some appearance of truth, of the present Bill. Lord Grey went on to state—

"I claim credit for the whole of the King's Ministers, for myself, and emphatically for my right hon. Friend the Secretary for Ireland, (now Lord Stanley) who introduced this plan, as bearing as true an affection for the Church, as feeling as deeply for the interests of our holy religion, as any man who hears me;"—

and Lord Grey deprecated any system of education in which religion should not hold a prominent part. That was not like this project. He did not know whether he could possibly quote words of more force and eloquence than those which had been used by Lord Stanley, some years afterwards, when reviewing the whole subject, and unfolding the rules which should direct any system of national education. On the 14th of June, 1839, Lord Stanley said in this House—

"He was not contending for the absolute control of the Church over education; but that education, whether of the members of that Church or of Dissenters, was not a thing apart from religion. But it was a thing necessarily combined with religion, and necessarily dependent on religion—a thing of which religious doctrine and religious faith must be made the ground and motive. He was contending that education was not a thing apart and separate from religion; but that religion should be interwoven with all systems of education, controlling and regulating the whole minds, habits, and principles of the persons receiving instruction."

He (Lord Mahon) concurred in these sentiments. He had concurred in them formerly; he concurred in them still. He thought that religious instruction must form a part of every system of education—a part not left to chance, not relying on accident—but connected with the act "necessarily"—for he would adopt Lord Stanley's own word. They must not depend on private benefactions; in every well-regulated system of education, religion must not be the outwork, the superstructure, but, as Lord Stanley said, the "ground and motive." Could this, then, be called a new opinion, that in education they must blend religious with secular instruction? It was an opinion which had been held by the greatest men from all the creeds into which our common Christianity is unhappily divided. It had been held by such men as Hooker, or as Wesley, as Pascal or as Fenelon. Nay, our own debates afford another proof how prevalent is that opinion. Why should those debates have taken place at all, if they had felt themselves at liberty to pass by the difficulty, and, on account of the conflict between religious sects, omit religious instruction altogether? That was a plain and easy course; but the mere fact of those discussions was enough to prove that they did not feel themselves at liberty to deal with education as the Government now proposed to treat it. If, then, the advantage of religious instruction was felt to be essential in every system of State education, the question remained, was there anything in the state of Ireland to forbid its application? What were the systems which they

could pursue in Ireland? First, they could adopt that system which he thought should be pursued, without doubt or hesitation, in every country where a large proportion of the people held the sentiments of the Established Church. In all such cases he would endow religious teachers in connexion with that Church, and leave the other to themselves. In countries where there were scarcely any differences of religious faith, as in Protestant Sweden or Catholic Spain, there would be no difficulty in religious endowments; but in a country like Ireland, where there was so much religious discord, and where the adherents of the Established Church were but a minority, the plan of endowing them alone would be altogether unsatisfactory and insufficient; and a different course must be adopted. Then, secondly, they might have a system of concurrent endowment. The State might appoint at the same time religious teachers of the Protestant and Roman Catholic faith; and in the province of Ulster, also, Presbyterian teachers. He, however, was bound to state that if such a proposition had been contained in the present Bill, he should have opposed it. He did not think that such a plan could be carried out, without the strongest feeling of repugnance on the part of the people of this country, as it would be generally regarded as a step towards the endowment of the Roman Catholic Church of Ireland. That question of endowment ought not to be mooted on a point comparatively small; it would provoke nearly the same hostility as the scheme of endowing the whole priesthood; while at the same time it would not profess or promise any thing like the same amount of advantage. Nay more, any such proposal would have laid the Government and Legislature open to the charge of attempting to do that indirectly by a side-wind and evasion, which they dared not propose openly and clearly. He (Lord Mahon) giving at this time no opinion on the greater question, would only say, that he put aside, as wholly unadvisable and impracticable for the proposed Colleges, the schemes of endowing religious instruction either for the Church alone, or concurrently with the Roman Catholics. There then remained the specific plan which he was about to state, namely, the payment of religious teachers by lecture fees from the pupils themselves. He would not rest this plan on any vague generalities; but he would state explicitly every detail which he had in view. He thought there should be in each College professors of theological instruction—one for the members of the Established Church, another for the Roman Catholics; and in the provincial College for Ulster he would have a third professor for the Presbyterians. It was, he thought, very correctly stated by his right hon. Friend the Home Secretary the other evening, that where the State endowed, the Crown should appoint. But since there would be no endowment by the State, the Crown could clearly have no claim to the appointment of these theological professors. He would, therefore, propose that those theological teachers should not be named by any act of the Crown, but that the theological professor for the Established Church should be named by the bishop of the diocese; that the Roman Catholic professor should be named by the Roman Catholic bishop; and that, in the College of Belfast, the Presbyterian professor should be named by the Synod of Ulster. He would not require any student to attend any one particular course of lectures; but he would require, as a general rule of the College, that each student should be obliged to produce a certificate from some one or other of the theological professors, that he did attend the lectures of that particular professor. He thought, nevertheless, that a power of special exemption should vest in the board of visitors. In the first place an exemption should, he considered, be granted to all separatists of every class, or all those who, on religious views, objected to attend the religious lectures of any of the professors. This general exemption, however, in favour of separatists who would refuse attending the lectures of either the Protestant, the Roman Catholic, or the Presbyterian theological professors, would not, he thought, in Ireland exceed one or two in a hundred. He also considered that the board might grant an exemption in other cases. For instance, he would suppose the case of the son of a clergyman of the Established Church, residing in the town in which the College might be situated, and who should not have the cure of souls, to prevent him from attending to the religious education of his children. The son of such a man—of a clergyman, competent and willing to superintend the religious education of his child—might, he thought, have a special exemption made in his behalf. But every instance of special exemption must be subject to a fixed and invariable rule—that in no case should there be any payment

of lecture fees where, from any circumstances, the lectures themselves had not been attended. He should be for leaving the amount of lecture fees to be fixed by the board of visitors: for though the board would not have the nomination of the professors, still it would be essential that it should have a general superintendence and control over them as to their conduct and discipline. Supposing that there were 100 students, each paying a fee of 3*l.* or even of 2*l.* 10*s.* per annum, they would have an endowment for a theological chair equal to that of the non-theological professorship. It was most probable, that at the outset, the number of pupils, and consequently the endowment of the theological chairs, would be very small, and by no means sufficient to afford fair remuneration to the teachers; but still he did not think that circumstance would operate very seriously against their obtaining, even at the outset, men of the very highest character and attainments as theological professors. Such a circumstance was every day occurring in public offices. Young men of high prospects and attainments were constantly found ready to accept clerkships of most inadequate salary, of, perhaps, 80*l.* or 100*l.* a year—not that this remuneration would suffice—but because they knew that with proper attention to their duties their posts would necessarily lead them by degrees to others of higher emolument; and finally constitute for them a liberal provision for life. He felt it but justice to Her Majesty's Government to express, in conclusion, his feelings as to their motives in introducing the present measure. His belief was, that they had been influenced by no party motives, but rather by an anxiety to heal and allay the strife of party which had so long existed among all classes of the Irish people. Sir, said the noble Lord, I am far, indeed, from undervaluing the advantages of conciliation. From my early years, I was an adherent of Roman Catholic Emancipation; and I am sure that at the present time there is no political object nearer to my heart than to see those millions in Ireland who are unhappily estranged from us on religious faith, or national feeling, brought to regard with affection and with confidence, the English people and the United Parliament. But, rely upon it, conciliation will not be truly effectual, if, as in the first and unamended draft of the present Bill, you do not strive to deal with religious differences, but only to keep them out of view. Rely upon it, conciliation, to be permanent, or to be praiseworthy, must show that while we respect the principles of others, we are no less determined to maintain our own.

Mr. *Wyse* seconded the Amendment. He thought that religious education should be essentially combined with academical instruction, and, at the same time, that it should be communicated without violating in any manner the religious opinions of any other human being. He had already stated in that House his opinion that in order to give an effectual religious education there should be no interference with the belief or prejudices of any individual. Holding always in view the necessity of religious instruction as the basis and foundation of all education, they were called upon to adapt that principle to the necessities of Ireland. There were various trials in that country of different systems, all of them more or less partaking of a proselytising tendency. From the period when all education, except such as was conveyed on the principle of Protestant ascendency, was declared illegal—from the time when the Charter School system was held out as the only one deserving of countenance, and the establishment of the Association for the Discouragement of Vice, down to the destruction of the Kildare Place Society, there was but one object in view, namely, the proselyising of Ireland to the doctrines of the Established Church. But when, at length, the principle was established of allowing the Catholics to be placed on an equality in regard to their religion and education with the remainder of their fellow subjects, it was found necessary to take into consideration the propriety of adopting a system of education in accordance with the altered state of the law. After much trouble and discussion, both in the House of Lords, and by various votes in that House, the Legislature gave its sanction to a system of education which combined instruction in the same rooms, and under the same rules, of Catholic and Protestant children. That system recognised not only the necessity of religious education, according to the respective creeds of the individuals receiving it, but required such instruction to be the basis of all the education imparted, and that too, conveyed through the medium of selected scriptural lessons. [Sir *J. Graham:* Certainly not.] He was glad to be corrected by the right

hon. Baronet, as he had been certainly under the impression that the fact was as he had described it. At all events a great step in the progress of education had been made.. They had arrived at a system of conveying mixed education to individuals of different religious communions. They had admitted the importance of religious education, and they were now called upon, by all means, to carry out that principle in the new institutions which they were about founding. Now, he for one, while he admitted fully the importance of religious education in elementary schools, was equally alive to its necessity in the Colleges founded for the more advanced students. In fact, of the two he considered the latter institution the more important in that respect. The youth educated there arrived at a period of life when the battle necessary to be fought became stronger—when the intelligence was more active, and became more liable to be misdirected. But he was not, at the same time, the less sensible of the difficulty of parting from the principle already recognised, and introducing a totally new principle in education, more especially in a country like Ireland, and with a legislature constituted in the manner in which the Imperial Parliament was composed. He would go much further in the new Colleges than mere catechetical instruction. He thought it a matter of great importance that the pupil should know perfectly the operation of opinions at different times, as well in the history of Europe, as in that of his own country. Taken in this view, the religious education in the new Colleges would go considerably beyond the usual catechetical instruction. In that respect, therefore, he was most anxious for the foundation of chairs for that most important branch of education. His noble Friend, in moving the Amendment, had stated three different modes by which these religious chairs might be substantially, effectually, and permanently established in the new Colleges. First, by endowment by the State; secondly, by endowment by individuals, or societies, or communities; and, thirdly, by fees paid by the pupils themselves. With regard to the first of these modes, considering the difficulties which existed in the way of its adoption, and the nature of the instruction to be given, he was not so sanguine as to hope that it could be carried into effect. He did not think, because the State had already established Catholic chaplaincies in gaols and workhouses, or even because they had brought forward the Maynooth grant, that they would not now be adopting a different plan in endowing theological chairs in these Colleges. He believed it would be of advantage that these chairs should be endowed by the several bodies to which they would be attached. He heard every day the strongest panegyrics passed on the voluntary principle in Ireland. He heard it stated on all hands that clergy under the control of the State were likely to be influenced by the Government; while, on the other side, it was said that where the State endowed professorships, they ought to be subjected to its control. Taking these two statements combined, he would, in order to make the theological professors as effectual as possible, call on the Catholic community to come forward for the purpose of endowing these chairs themselves. But though this was perhaps the most eligible course in reference to the chairs for the three communions of Protestants, Catholics, and Presbyterians; still it was not likely to be carried into execution immediately. He could not, however, but hope that the liberality, the zeal, and the enthusiasm that belonged to the Catholic body, and more especially to the Catholic clergy, would induce them not to leave so important a portion of education without the necessary support and co-operation. Judging from what he saw of the state of society generally, he did not think there was at this moment any communion in the Empire who were more zealously devoted to education than the Roman Catholics. Many of the Catholic clergy devoted their whole lives to education; and he had visited with the greatest satisfaction institutions forwarded by religious communities of that persuasion for the education of youth. But in order that there should not exist any hiatus, or interval, between the establishment of the Colleges and the period when religious instruction would be conveyed in them, he was willing to adopt the third course suggested by the noble Lord, namely, the providing by fees for the endowment of theological chairs. He did not think, under the circumstances, that there would be any great hardship to the pupil in being obliged to pay these fees, and it

would prevent any heavy tax being placed on the community. They would thus be able to avoid a State endowment. They would insure religious instruction to the pupils. They would insure that instruction at a low rate. They would at the same time not impose it as a permanent tax on the students; but would be merely adopting it as a conditional arrangement to exist only until some better and more regular provision was established. He should, therefore, rejoice if it met with the general wishes of the House. It violated no principle; it excited no prejudices; while it, at the same time, amply secured the benefits of religious instruction to the pupils. Having said so much on this part of the subject, he would with reluctance trespass further on the attention of the House. He wished, however, to say a few words on what had been said on a former occasion, in reference to what he believed had been merely a *lapsus linguæ* on the part of the right hon. Gentleman (Sir James Graham), namely, as to the intention of the Government to exclude religious education under the Bill. He felt that the term required explanation, and when the Bill was brought before the House the right hon. Baronet declared that rooms should be provided for giving religious instruction, and that every facility should be afforded to any theological professors who might be appointed by the respective persuasions. That there was, in fact, no prohibition or exclusion of religious education farther than the refusal to advance the pounds, shillings, and pence, for the purpose of endowing the chairs. He did not wish to be made appear to be that which he was not—a person desirous of excluding religious instruction. He did not wish by any vote which he would give in that House to induce his countrymen to suppose that he had merited any of the reproaches that had been so lavishly heaped upon him elsewhere. He was sure his hon. Friend near him (Mr. J. O'Connell), in his comments upon him was in error more in head than in heart. It was objected that he was disposed to resist the demand made by the Catholic bishops, that the professors of anatomy and geology should be Catholics. Every well-constituted mind must be disposed to defer to the authority of men so venerable for their piety, knowledge, and talents, and so highly esteemed as the Roman Catholic prelates of Ireland; but still he could not but feel that if he sanctioned the opinions put forward by them on this subject, and consented that they should have the control of the professors which he had named, there would be a difficulty in deciding where their influence was to terminate. If they yielded to the demand of the Catholic bishops in the appointment of the professors of anatomy and geology, how soon might they not have similar demands made with respect to the appointments to the chairs of mathematics, of languages, or even of writing, until at last they arrived at the position for which the hon. Member contended, namely, no mixed education at all in Ireland. The hon. Member had not objected to mixed education by any open and fair declaration that such a system ought not to be suffered; but he had done so by throwing obstacles in the way of its progress, and by raising difficulties regarding it in the minds of many of those who heard him. He did not charge the hon. Member with having that object in view; but he stated that to be in his opinion the result of the hon. Gentleman's efforts and arguments. He had objected to the formation of a board for each province, which would include, *ex officio*, the bishops of the diocese, only to the extent of stating that he was not prepared to pronounce any decided opinion as to how it would work; but that he should fear that in a mixed college, the machine would not only be a difficult one to set in action, but would not be worked either with advantage to the ecclesiastial laity, or the institutions themselves. For giving this opinion he was accused of being in a state approaching to that of not being a Catholic at all, and reminded that he was bound to respect the decision of his bishops on such points as these, and that if he found reason to quarrel with them, his appeal was not to the British Parliament, but to Rome. But he would wish the hon. Member to consider the position in which Ireland had been placed heretofore. If mixed education were as it was represented to be, immoral, and injurious to the people of Ireland, how did it come to pass that the Catholic hierarchy remained silent as to the admission of Catholic pupils into Trinity College, where no religious instruction was provided for them? There might have been, for aught he knew, conversations and discussions on this subject on the part of individuals; but he certainly never did hear from the Catholic

hierarchy, or from any individual among them, an objection to the Catholics in that University. Again, how were they to deal with the medical students? Were there no Protestant professors of anatomy in the medical schools of Cork or Dublin? If the principle which the hon. Member laid down were a proper and just principle, then, the Catholic hierarchy and clergy had a right to interfere, and prevent their students from attending the lectures of those professors. But he judged better of the Catholic hierarchy of Ireland than to suppose them capable of such conduct. He considered them to be anxious for education in Ireland. He considered them to be men anxious to extend the blessings of a sound and religious education among the youth of Ireland. He believed them anxious for the amelioration of the condition of all classes in that country, while they were determined, at the same time, to prevent any interference with the religious opinions of their flocks. They were bound to prevent any contamination of the youth of Ireland, over whom they were placed; but he, at the same time, thought that they would not be justified in throwing on any individual who differed from them an insinuation of infidelity, merely because he did not conform to their views. But the hon. Gentleman went on to say—

"In the course of a speech in the House of Commons, Mr. Wyse had quoted M. Cousin on the subject of mixed education. Now, who was that M. Cousin—the man who had been set up as one of the brilliant luminaries—one of the gods of the gigantic education scheme in France? He held in his hand a description of M. Cousin, which had not been contradicted, and which was irrefutable. He approached the reading of it with feelings of horror and disgust, so atrocious was the conduct attributed to M. Cousin. But he would let the Association judge for themselves, and form their own estimate as to the value to be placed on the opinions referred to by Mr. Wyse."

Now, what were the words which he used on that occasion? The language which came from his lips on that occasion was this:—

"There is no class in the Prussian Gymnasia which has not a course of religious instruction, as it has of classical or mathematical instruction. I have before said, and now repeat, that worship with its ceremonies can never be sufficient for young men who reflect, and who are imbued with the spirit of the times. A true religious instruction is indispensable, and no subject is better adapted to a regular, full, and varied instruction than Christianity, with a history which goes back to the beginning of the world, and is connected with all the great events in that of the human race—with its dogmas, which breathe sublime metaphysics — its morality, which combines severity with indulgence—with its general literary monuments, from Genesis to the Universal History."

This authority had been described as inimical to Christianity; but could he have used stronger language than this? He confessed that he was surprised that the hon. Member had described M. Cousin in the manner in which he did. The hon. Member had also stated that the Prussian system of education was nothing but infidelity in disguise. Those who made this charge had not looked into the subject with due care. If Gentlemen had taken the trouble to do so, they would find that the same system of private religious instruction existed in several other countries besides Prussia. It existed not merely in Prussia, but in Belgium, in Austria, in Bavaria, and, indeed, throughout most parts of the Continent. This was not only the case in the Colleges, but in the elementary and higher schools, and it was always found that ample means existed for private religious instruction. He happened, also, to know that this religious instruction was effective and well given he had seen it with his own eyes, and heard it with his own ears, and he had never heard better religious instruction given than in some of those Colleges, and this he also knew was the opinion of many high authorities in the Catholic Church. Although there might be abuses in some of the arrangements in some of these institutions, he believed that they would be generally found to arise from an abuse of the law, and not that it arose from anything in the institutions themselves. He believed that many of the errors of those who had alluded to his opinions on this subject in such strong terms, had arisen from not inquiring into the facts of the case. If they had regarded with attention the facts of the case, they would have been much more competent to legislate on the subject, and no doubt would have dealt more in a spirit of charity and toleration with those who differed from them. The hon. Gentleman had called him a professed Catholic—let him assure the hon. Gentleman that Christian charity much more consisted in indulgence to the opinions of others than in extreme earnestness to bring

charges against those who differed from him; and that it did not exist in the use of contumelious terms such as Waterford Wyse the Anythingarian. In conclusion, to use the language of an eminent man—

"If it were not that there are many who are *homines multæ religionis, nullius pæne pietatis*, it would not be that there should be so many quarrels in and concerning that religion which is wholly made up of truth and peace."

This quotation was from Jeremy Taylor, when Bishop of Down, and was in the preface to a sermon preached before the students of Trinity College, Dublin, in 1661, to show how the scholar might become more learned and useful. Such language and such a sentiment should be engraved in golden and prominent characters.

Mr. *John O'Connell*, having been personally alluded to, wished to say a few words in answer to what had fallen from the hon. Member for Waterford. He would not then enter into the general consideration of the Bill, because he was in hopes that the right hon. Baronet would give them twenty-four hours to consider the purport of the Amendments which he proposed to adopt in it, and which he had for the first time explained that night, and if this was the case he should be better prepared to go into the subject. The hon. Member for Waterford had replied to an attack which had been made upon him elsewhere, and had complained that that attack had been made in his absence. He (Mr. J. O'Connell) as the person who had made it, would only say he had done so in the place where his constituents desired him to attend, and where the constituents of the hon. Member wished him also to be; and if the latter was absent from that place it was his own fault. He repeated that the hon. Member had been often called on to attend Conciliation Hall, to which place he (Mr. J. O'Connell) had hitherto confined his attendance, believing that his duty to his constituents bound him so to do. He, therefore, had no other place to express his opinions, and under all these circumstances he did not think he was open to the charge of having taken any unfair advantage. The expressions attributed to him by the hon. Member were not altogether correct: he had not charged him with not being a Catholic, but with being in a state very nearly approaching to that of not being a Catholic. The impression on his mind was, that those were the words he used; but if the House were aware of the pressure of business in Conciliation Hall, they would know how difficult it was to ensure a literally accurate report. However he would repeat, that when the hon. Member, on such a question, set himself up in opposition to the decision of the bishops, he was very nearly not being a Catholic at all—certainly he was in the state of a schismatic Catholic. The hon. Gentleman stated that he (Mr. J. O'Connell) was not his pope. He did not pretend to possess any authority over the hon. Gentleman; but he merely referred to the authority of the prelates of his Church, and to their decision, which the hon. Member resisted. The question then was, who was the hon. Member's pope, when he denied the authority of the Church? Who had the chief authority in Ireland on this question with the Catholics, but the Catholic prelates? Indeed he had said in the speech quoted—

"Every Catholic likewise was bound to respect the decisions of his bishops on such points as these, and if he found reason to quarrel with his bishops, his appeal was not to the British Parliament, but to Rome."

Even if they were all professing and practical Catholics, the British House of Commons was not the place of appeal. The hon. Gentleman, however, brought his appeal to the House of Commons, knowing what an effect it would produce there to have a Catholic gentleman resisting his prelates' authority. He was willing to pay every tribute to the attainments, the character, and abilities of the hon. Member; but surely the hon. Member must be aware of the extreme importance of the declaration of the authorities of the Catholic Church, and that objections made by them against the Government education scheme ought not to be designated as petty and insignificant.

Mr. *Wyse:* I did not apply those terms to the bishops; I applied them to your objections. ["Hear."]

Mr. *John O'Connell:* He (Mr. O'Connell) made no objections of his own—he stood on the bishops' resolutions. He had his own opinion on the subject of mixed and separate education, but he need not go into that question on the present occasion. Here, however, they had the declaration of the Catholic bishops on the subject of this measure, and which he believed to be the supreme authority on the subject in Ireland, and from which

the only appeal was to the sovereign pontiff in council. They declared that this measure embodied principles dangerous to the moral and religious instruction of the Irish people; and afterwards, in an audience with the Lord Lieutenant, they stated that the declaration contained the minimum of what they felt it their duty to ask. He (Mr. J. O'Connell) stood to this authority; and if the hon. Gentleman still chose to designate the objections to this Bill as being petty and insignificant, of course it must be taken as a reply to the bishops. With respect to the quotation from Cousin, he had certainly thought the hon. Member had adopted the authority of Cousin, not merely on one point connected with the subject of mixed education, but all—["No, no."] If he had done the hon. Member wrong by so doing, he was sorry for it; but certainly he had nothing to retract with respect to Cousin. As the latter had been quoted that evening, there could be no objection to quoting him again, to show how little a Catholic should respect his writings. In his work on Education in Prussia, he praises a law of 1819 which ordered Catholic priests not to administer the Holy Communion to any chidren who did not attend school. This might not perhaps seem to Protestants as very severe; but to Catholics, with their peculiar doctrines as to the Sacrament, it was monstrous. And yet M. Cousin praised this law, and called it "making religion subserve enlightenment!" The hon. Member for Waterford appeared to doubt this quotation; if he referred to vol. i., page 207 of M. Cousin's works, he would find the passage. As to the Prussian system of education, he (Mr J. O'Connell) had never said that its adoption was attributable to Frederick II. He also did not advance any opinion of his own on this subject; but had referred to the authority of a Protestant clergyman connected with the Establishment; the Rev. Mr. Gleig, chaplain to Chelsea Hospital; and also to the works of a talented Presbyterian writer, Dr. Laing, in his "Notes of a Traveller." Both these gentlemen had written on this subject; and neither of their works showed that they entertained any prejudices in favour of Catholicism. From these works alone, unprejudiced in favour of his religious opinions, he could quote the strongest and most convincing proofs of the pernicious working of the system. He did not adduce proofs, as he might have done, from Catholic writers of the pernicious working of the system of education in Prussia. The hon. Gentleman talked to him of charity and toleration. He thought, it would be the worst kind of charity to see the hon. Gentleman abusing his influence—he believed, unintentionally—without warning him of the fatal error he was committing. The hon. Gentleman knew how strongly a majority of the Irish people were opposed to the Bill; yet he made himself a party to this attempt of the Government to force upon them a system utterly revolting to their conciences, and which was one of the grossest attacks on religion ever perpetrated. The measure was one of intolerance. The Catholics would second any claims of the Protestant or Presbyterian. All the Catholics asked was to be treated in the same manner, and not to be subjected to this outrage on their consciences, which would engender the most powerful opposition in Ireland ever offered to any Government. If its object was to put down the Repeal agitation, it would not answer its purpose; on the contrary, by divisions, it would rather unite the people of Ireland in the determination to obtain their own Parliament, which would attend to the opinions of the people and the clergy, and not allow theorists to compromise their highest interests. If passed into a law, the Bill would increase the determination of the Irish people not to be mis-legislated for in this Parliament, either by the Representatives of England, or by those who called themselves the Representatives of Ireland. He denied the charge made by the hon. Member of Waterford, that he wished to revive religious feuds in Ireland, by calling on the electors of Waterford to reject him because he was not a Catholic. From his soul he abhorred religious feuds; but he had told the Catholic electors of Waterford that the hon. Member was not representing them as Catholics—although he was a Catholic himself—was not representing their opinions. He, therefore, called on them to require the hon. Gentleman to resign, or not to re-elect him as their Representative. If there was any meaning in the term "Representative," he could not do a greater injury to his constituents than, when they were inclined to be obedient to their bishops and clergy, to use his influence in that House to resist them. In addition, also, to the Catholic bishops

having made an unanimous declaration against this measure, the bishop of the hon. Member's own diocese had also done so in a separate form, as he (Mr. O'Connell) had that night presented a petition against the Bill signed by this right rev. Prelate.

Mr. *Wyse* said, that the hon. Member had charged him with misinterpretation of his words. Now, he found in the report in the *Nation*, which, he believed, the hon. Member adopted :—

"Every Catholic was bound to respect the decison of his bishops on such points as these, and if he found reason to quarrel with his bishops, his appeal was not to the British Parliament, but to Rome. That appeal was open to Mr. Wyse, but no appeal to the British House of Legislature. It was monstrous to see a Catholic rising up to resist the unanimous resolve of his own bishops in full synod assembled. The bishops might, perhaps, have some minor differences of opinion in matters of minor importance—in matters of detail—but they were unanimous in their resolve upon this point; and yet in the English House of Commons an Irish Catholic Member stood deliberately forward and lent the influence of his name and talent to procure resistance to the just requirement of the prelates of his own Church. Mr. Wyse did not appeal to Rome, as he might have done. No; he pursued such a course as could not be otherwise designated than as a recording of his vote against his religion, and if he persisted in this course he (Mr. J. O'Connell) called on the Catholics of Waterford to require him at once to resign his seat."

Was not this charging him with a violation of the articles of his faith ?

Sir *J. Graham* felt confident that he expressed the opinion of the great majority of the House, when he declared his own strong impression that this was neither the time nor the place to enter into a discussion as to what constituted a schismatic Roman Catholic, or what was the degree of allegiance which a Roman Catholic gentleman owed to his ecclesiastical superior. He was confident, also, that it must have been very painful to the House to have heard some of the observations which had fallen from the hon. Gentleman who had just sat down. He hoped and believed that the hon. Member for Kilkenny had not rightly interpreted the degree of submission which was due from every Member of the House to supreme ecclesiastical authority, when he said that the hon. Member for Waterford, in his place, discussing a measure such as the one now under consideration, was bound by implicit obedience to the declared opinion of the bishops of the Church, and was not at all at liberty to exercise his own judgment in a matter which he considered not spiritual, but temporal. He must also add that he thought he expressed only what was justly due to the hon. Member for Waterford, when he said, that he, at least, towards his constituents had not been guilty of any deception whatever. He had lived the greater portion of his life, if he mistook not—for, although a political opponent, he wished to do him justice—he had lived in the immediate vicinity of Waterford, and his religious opinions, whatever they might be, were known to his constituents. So much for the orthodoxy of his Catholicity ; and with respect to his political opinions on the great subject of Repeal, which unhappily agitated Ireland, to his honour be it spoken, he had ever been a friend to British connexion, as founded upon the legislative Union. He had invariably declared that opinion ; and the electors of Waterford had preferred him as their Representative, well knowing his religious tenets and political opinions. And what bore more immediately on this question, he had in the most pointed, deliberate, and circumstantial manner, delivered his opinion long before the last election. On the present question, he had also declared his opinion in the most public manner. He thought the hon. Member had discharged his duty to his constituents in the most honourable manner, and he should despair of the future state of Ireland if he could believe that the hon. Member could have forfeited, for his manly and correct conduct, the confidence of his constituents. He must say, that he believed his presence here was in accordance with the opinion of his constituents. The hon. Member said, that the hon. Member for Waterford's constituents were adverse to his presence here. Why, then, had the House the pleasure of the hon. Member's own presence? However, he rejoiced at that presence, because he thought it was the discharge of an imperative duty. It was a matter of importance to have, in a discussion of this kind, the advantage of the collision of opinion of Gentlemen who generally differed ; and it was by discussions of this kind, although painful, that the truth was elicited. The hon. and learned Member for Cork was present on this occasion, and would give the House the advantage of his opinion and advice on a matter of primary importance. With respect to the Motion of his noble Friend, he had long attached the greatest importance to the strict observance of the rules of the House, and his progressive expe-

rience year by year taught him more and more their value and importance; and his noble Friend must excuse him for saying, that while he had adhered to the letter of the rules, he had most decidedly violated the principle on which one of them was formed. He spoke under correction when he said that he believed there was no rule of the House more distinctly recognised, or more useful in its application, or one which the Speaker would more invariably and rigidly enforce than this—that it was not competent to any Member to move, as an instruction to a Committee, any provision, which, without instruction, it would be competent for the Committee to make. That was the rule of the House. In the first instance, his noble Friend did give his Notice in the shape of an Instruction to the Committee; but he had discovered his error, although the Motion in its present form was neither more nor less than an Instruction to the Committee, which so put, would have been irregular. The observance of the rule was founded in sense and practical utility; and the departure from it on the present occasion had involved the House in extreme difficulties, to the great disadvantage of the question they were discussing. His noble Friend, in the shape of a short Resolution, had sketched a faint outline of a regulation of much importance, and he had come down to discuss this question, knowing nothing of the intentions of his noble Friend except what he had been pleased to state in the Resolution. Whether his intentions were worthy of adoption or objectionable, depended very much upon the mode in which he would carry them into execution. If, according to the strict rule, the noble Lord had not moved this as an Instruction, but had produced his plan in the authenticated form of clauses, giving effect to his intentions with all the minute details, the House would have had the advantage of understanding his plan, and would have been prepared to deliberate upon it; whereas now, in the absence of such details, the House was under the disadvantage of coming to the discussion of the question without a previous knowledge of those reservations which the noble Lord, in making the proposal, had thought it necessary to indicate. Being compelled, under this disadvantage, to come to a decision on the Motion, on the best judgment which he was able to form as to the scope and tendency of the proposal, he was bound to say that he could not give it his assent, and he must also express his surprise that the hon. Member for Waterford had seconded the Motion. The noble Lord expressly stated that it was his object to secure the appointment of theological professors in the College; the hon. Gentleman who seconded the Motion expressly and unequivocally stated that he had an insuperable objection to the appointment of theological professors. He must aver that still, after hearing the speech of the noble Lord, he remained of the opinion which he had formed on reading the terms of his Motion, that it was at least doubtful whether the attendance of the students on the theological lectures, which it was the object of this Motion to provide, should be voluntary or compulsory. If it were voluntary, the enactment was superfluous—it was superfluous under the Bill as it stood; if, on the other hand, it were compulsory, then it was directly at variance with the principle of the Bill, and he could not conceive that any one who had voted for the second reading of the Bill, could now support the Motion of his noble Friend. He had believed, until he heard the speech of the noble Lord, that the appointment of these professors was to be vested in the Crown; but he now collected from the noble Lord's speech, that it was his intention that the Roman Catholic professors should be nominated by the Roman Catholic bishop of the district. [Lord *Mahon:* By the Roman Catholic bishops collectively.] That the Church of England professor should be nominated by some Episcopal authority in Ireland; and that the Presbyterian professor should be nominated by Presbyterian authorities. If there were Presbyterians in Cork, was no religious instruction to be provided for them? And why was the appointment in Belfast to be confined to orthodox Presbyterians? and why were not Unitarian Presbyterians entitled to have their own professor? Then, as to the fees, were they to be compulsory on every student? If, notwithstanding the nomination of a Roman Catholic teacher by the Roman Catholic hierarchy in the College of Cork, a youth, or his parents or guardians, objected to that particular teacher, was he to have no discretion whether he attended the lectures? If he did not attend he paid no fees, and if he did attend was payment to be enforced? Then with reference to the amount. Were the fees to be thrown into a common purse to be distributed amongst the professors; or was payment to depend upon the smaller or greater number who attended? In case of the number being small, that which purported to be endowment would be illusory,

and there would be no endowment to secure competent instruction. On the other hand, if the fees were to be thrown into a common purse, to be divided among the teachers, that would be a gross violation of conscience, and would give rise to the greatest objections on the part of the students. He was extremely anxious to guard the measure against the misapprehension into which it was said he had fallen in making his statement the other evening—viz., that he had made use of the expression that religious instruction was excluded by this Bill. So far from religious instruction being excluded, any Gentleman who would look at the 15th Clause, would see that every possible encouragement was given to religious lectures, and to teaching teachers in the College, to be established by private endowment. The Bill even went the length of saying that the governing body should furnish a lecture room, subject to the lecturer, not interfering with the curriculum of instruction, and subject to the approval of the Crown; and then the clause immediately preceding contemplated endowment, and afforded it every possible encouragement to parties who were disposed to found professorships. Nothing more could be done for giving religious education within the walls of the Colleges without a departure from the principle of the Bill. He might be permitted to ask whether, practically, the want of a religious education in Colleges was, from past experience, found to lead to any real evil? The right hon. Member for Waterford, who seconded the proposition of the noble Lord, was himself a student of Trinity College, Dublin. He would ask him whether there was any rule for conforming in that College? [Mr. *Wyse:* None.] The right hon. Member said none—then, practically, Roman Catholics attending that College received no religious education within the walls of that seminary. The Bill which he proposed for the adoption of the House contemplated a far better arrangement, because it provided a more stringent check upon the morals and the religious education of the young men attending the Colleges to be founded under it, than existed either in Trinity College, Dublin, or at Cambridge. So also in Scotland—a country in which religion was not considered of secondary importance. There, in her Universities, the Dissenter and the Roman Catholic were intermixed with those students belonging to the Church. They received their education together in the same classes, but without any religious observances. Religious instruction was there taught wholly without the walls, with the exception of those who were studying theology. He had lately received a letter from a gentleman, who was himself a Roman Catholic, and a member of the town council of Edinburgh. It might be known to many hon. Members present, that that council had the appointment to the larger portion of the chairs in that University. That gentleman stated that application was made lately for one of the class-rooms of the Edinburgh University, to be used as a Catholic chapel, to which the Roman Catholic students might resort. That gentleman, although himself a Roman Catholic, objected to the council granting the application, because a compulsory attendance upon religious instruction was inconsistent with the constitution of the University; and after a considerable discussion, he successfully resisted the proposition, and it was negatived. Thus, although toleration was carried to its utmost limits in that country, they refused to admit Roman Catholic teachers into their Universities, considering that the attendance of the students at the various places of worship in the city rendered such teaching within the walls needless. He would not weary the House by reading the details from a sermon of Archbishop Whately, in which he illustrated his position that the system of national education was not inconsistent with religion, by the example of Trinity College; and it was more important to observe that the rule which this Bill sought to make general in the Universities of Ireland, had had the test of experience at the Belfast Academical Institution. That institution was principally connected with the Presbyterians of the north of Ireland; but the hon. and learned Gentleman (Mr. O'Connell) would admit that the evidence he was about to read was evidence of authority as to the principle upon which that institution had been conducted. At no time since its foundation had religious instruction been provided at that institution; but the Roman Catholics had availed themselves of its general education; and upon the propriety of their so doing the Roman Catholic bishops of Ireland had been consulted. The Roman Catholic archbishop, the Primate of Ireland at the present time, Archbishop Crolly, in 1827 had been examined—and the rule had then prevailed in that institution which it was now proposed to apply to the Universities of Ireland—Archbishop Crolly had been asked—

"We should wish to know your opinion on this point, whether there is any objection on your part to young men who are ultimately to be sent to Maynooth," that was to say, for the Roman Catholic youth who were intended for the priesthood, "receiving their education in the Belfast institution?"

The answer of Archbishop Crolly was—

"There is no objection on my part."

He was then asked—

"Is there any danger likely to result from the Roman Catholic young men mixing with the other students?"

The Archbishop answered—

"There is no danger as long as they are under the direction of their master. On their way to school and in their play they may insult the Catholic pupils; but there was never the slightest apprehension on my part of any danger from the ir studying together."

There were other questions and answers which he might have read to the House; but he had read the recorded and deliberate opinion of the head of the Irish Church, that the present scheme was not at variance with the doctrines or discipline of the Roman Catholic Church; but, on the contrary, that the head of that Church gave his sanction to the education under that identical scheme of Roman Catholic young men intended for the priesthood. His noble Friend had referred to what had been stated by Lord Grey when the system of national education had been first propounded, and by his noble Friend Lord Stanley. In passing, he would here observe that a casual expression used by him in 1839 had been attempted to be fastened upon him—"that the scheme of national education was a failure." From the first conception, however, of that scheme up to the present time, he had been one of its warmest and sincerest advocates. What he had stated in 1839 had been, that as an united system of education it had not succeeded. He still regretted to be compelled to hold the same opinion. As a system of united education it had been a failure—but why had it so failed? Because the Protestant hierarchy and the Protestant parochial clergy had offered to it bitter and most uncompromising opposition. It was almost incredible that, much as had been said against that system, no fewer than 400,000 children should have received, within ten short years, instruction under it; and he must say of that scheme of education, that he considered it would bear comparison with any other system of instruction, whether in England or Scotland. The present measure he looked upon, then, as no more than an extension of that system of education from the humbler to the higher classes of the people of Ireland. The principle of the national system had been enunciated in a former year by the Lord Primate of Ireland, who had said that no plan, however wise and unexceptionable in other respects, could be carried into useful execution in that country unless its leading principle were that no attempt should be made to disturb the peculiar religious tenets of those who were educated in its schools; and the Commissioners of National Education, in their Report of this year, had observed that the principle of that system was, that the national schools should be open alike to all sects, and that, so far as religious instruction was concerned, the students should receive such as their parents or guardians should provide for them. Now, he repeated, this was the system on which also the present measure rested. The collegiate authorities would have no discretion in that particular—no power to interfere with religious opinions; it was contrary to the principle of this measure, as it was to that of the national system, that there should be any direct interference with the religious sentiments of the students. He (Sir J. Graham) was one of the last that would contend for any scheme of instruction being defensible in which religious teaching should not form, practically and really, the groundwork; and he was satisfied that, in the shape in which this measure was proposed, every security which the circumstances of Ireland admitted of had been obtained for such religious instruction out of the walls as might be in accordance with the wishes of the parents and guardians of the students, and under the supervision of those who, without the walls, would attend to that instruction. For his own part, he deeply regretted the unhappy circumstances which, in Ireland, must render any attempt to combine a united system of secular with a united system of religious education, a complete failure. His noble Friend had said that he would object to any attempt to force the religion of the State upon the students in these Colleges, and that he was not prepared to support—indeed, that he would oppose—any proposition for the endowment by the State of theological professors within them. If such, then, were the scruples of his noble Friend, he (Sir J. Graham) confessed he could not see what scheme it was open to the Government to propose, unless it were one which excluded

from the curriculum of education all theological doctrine. He was persuaded that the adoption of the Motion of his noble Friend would lead, of necessity, to the inculcation of theology with all the variances of doctrine, and to general strife and religious bitterness in the Colleges themselves. The great object was to combine all parties in one scheme of secular education, in the hope that religious jealousies would not be excited, and that the animosities which prevailed would be stopped, whilst, at the same time, every possible security was taken for the religious instruction, without any attempt to proselytize through the medium of lectures on science, leaving the question of religion to persons out of the walls of the institutions. It would, then, be inexpedient to adopt the Resolution of his noble Friend; but if the House rejected that Resolution, it would still be open to him to propose the insertion of Clauses in the Bill in Committee, in accordance with its own views, should he wish to do so. At all events this Resolution was not necessary with a view to effect the object of the noble Lord.

Lord *Mahon*, in explanation, said it was much to the advantage, he thought, of private Members of that House, that they should not be put to the labour, difficulty, and expense of having clauses drawn up for the purpose of their being moved in Committees on Bills, when there was but little chance of their being carried. There was, therefore, very great advantage to such Members, by the system of moving instructions; but he had adopted the course he had taken, from the impression that, of late, instructions to Committees had, by a mere technical anticipation, been put an end to. ["No, no."] If the instruction was anything that could by possibility be moved in the Committee, then it was said to be contrary to rule, and inadmissible; if, on the contrary it could not be so moved, then almost, *ex vi termini*, it must be something alien and foreign to the Bill; and the instruction might be justly opposed on that ground. In either case, practically speaking, he feared there was an end to the system of instruction. He had drawn this Resolution in strict conformity with several precedents, and especially with a Resolution moved by General Gascoigne in going into Committee on the Reform Bill.

Sir *J. Graham* wished to ask his noble Friend this question:—Suppose that a Roman Catholic youth were sent to a College at Cork, for instance, and his guardians wished him to go to a Roman Catholic place of worship, whilst the youth himself wished to attend a Presbyterian place of worship—what would his noble Friend wish to see done in such case?

Lord *Mahon* said, that he presumed that, in such a case, whether in these Colleges or at any other, a pupil ought, in the first instance, to attend the religious service prescribed by his parents or guardians; but afterwards, if he felt any conscientious scruples, to act according to these.

Viscount *Clive* thought it was rather hard for Members of Parliament to be met by those various objections which were so frequently urged against them in reference to clauses which they might wish to move in Committees on Bills into which they might be desirous of endeavouring to insert principles in accordance with their own sentiments on important questions like the present. The Motion of his noble Friend, if carried, would be simply this—that in each of these Colleges there should be provided a chaplain, not for the purpose of instructing the pupils in controversial theology, but of giving them religious instruction weekly and daily; for, in the houses of their friends, or in these boarding houses in which they might reside, it was very conceivable that they might be living under the care of persons altogether unqualified to give them such instruction as that to meet the want of which his noble Friend had framed his Motion. He considered that his noble Friend was quite right in adopting the course he had taken, because, considering the remarks that had fallen from the right hon. Gentleman the other night respecting the exclusion of religious education, and considering the declarations of the Government that this Resolution, if carried, was contrary to the spirit of the Bill, it was, nevertheless, a Resolution which, if not necessary for the purpose of procuring the insertion in the measure of the principle it laid down, was yet necessary as showing the principle on which it was wished that the Bill should proceed. He thought that that principle was sufficiently important to warrant his noble Friend in bringing it forward as he had done as a question of principle and not of detail.

Mr. *M. Milnes* defended the principle of the measure as proposed by the Government. He owned that the opposition which this liberal measure had received in Ireland had given him fresh pain; and he would beg the hon. and learned Gentleman the Member for Cork (Mr. O'Connell) to remember for how long a period of our his-

tory the Roman Catholic religion had been maintained to be the enemy of civil liberty, how that accusation had been brought against it again in these days, and what the present state of the controversy between the Church and the Universities in France. And it was in this state of public opinion on the subject of the Roman Catholic religion, when those who, like himself (Mr. Milnes), believed that that religion was perfectly compatible with civil liberty, found that the Roman Catholic hierarchy of Ireland opposed this measure on grounds which, he lamented to say, went far to favour a contrary supposition. The one thing which those who were in favour of measures of this nature were desirous of doing was, to bring the Protestant and the Roman Catholic together in the same lecture room, and to remove that aliment of religious dispute which was now, unhappily, so abundantly provided. Such being their wish and intention, they did feel that to establish these Colleges on the principle advocated by the Roman Catholic hierarchy, would be to nullify them, so far as all these great purposes of civilization were concerned. For these reasons he should oppose the Motion of his noble Friend, considering that the new clauses brought forward by the right hon. Gentleman provided amply for that which was principally requisite, academical discipline, and persuaded that the object of the Government in this measure was one of the most large and liberal character.

Mr. *Bickham Escott* supported the measure, as one which was calculated to effect the advancement of education amongst all classes of Her Majesty's subjects in Ireland. One of the objections which had been very prominently put forth by the hon. Baronet the Member for Oxford was, that this was a "godless" scheme of education. He could not assent to that; and was prepared, on the contrary, to defend the Bill on the ground of its being a religious Bill. It was true that its object was to exclude, as far as possible, all religious and sectarian animosities; but that was not calculated to injure the cause of religion; and he believed that the only way in which education could be effectually and successfully encouraged in Ireland, was by excluding sectarian differences in the system of education which it was proposed to give to the youth of that country. The charge against the Government, that it was not a religious system of education, because care had been taken to avoid religious animosities, was most unfounded, and reminded him of a charge which had been at one time brought against a schoolmaster in his neighbourhood, to the effect that he was so cruel as to refuse to allow the poor boys who were at his school the comforts of fire in the midst of winter. An investigation took place; and it appeared that he had, in reality, merely prevented the boys from letting off squibs and crackers in the school. The charge which was made against the schoolmaster, of not allowing the comforts of fire to the boys, because he prevented the use of squibs and crackers, was not more unfounded than that which was made against the Government of introducing a godless system of education, because they refused to allow the exhibition of sectarian animosity or religious acrimony in those Colleges. It was said that the Roman Catholic bishops of Ireland were opposed to this system of education; but he denied that the people of Ireland were generally opposed to it. He could not assent to the statement, that the people of Ireland were opposed to the measure, because the Roman Catholic bishops, and the hon. and learned Member for Cork, were opposed to it. He believed, nay he knew, that in Ireland a large mass of the people—Protestant, Presbyterian, and Roman Catholic—rejoiced at the introduction of this measure as one which was calculated to give to the middle classes and the humbler gentry a chance of a liberal education. That large and important portion of the people of Ireland were in favour of the measure of the Government; and they formed a class who were not represented by the hon. and learned Member for Cork, or the hon. Member for Kilkenny; they might perhaps be represented by the hon. Member for Waterford. And this he (Mr. Escott) knew, that the class of whom he spoke agreed in opinion with the majority of the people of the United Kingdom, who were sick of sectarian differences. He venerated the Church of England, because it was above sectarian differences; and when he adverted to the Church of England, he could not avoid saying, that in this respect, the hon. Baronet the Member for Oxford was no more a representative of the Church of England, than the hon. Member for Cork was a representative of the people of Ireland. He rather looked upon the Chancellor of the Exchequer as a repre-

sentative of the feelings of the Church of England on this occasion; for that Church was essentially liberal. The Bill was a bold, a wise, and a politic measure; yet they were told that it had not produced peace in Ireland. Who had ever thought it would? It was not for to-day or for to-morrow; but to educate those who were hereafter to sway the destinies of Ireland. If he, a humble individual, might offer a few words of counsel to the hon. and learned Member for Cork, he would say that he had been grievously disappointed at the course which the hon. and learned Gentleman had pursued with regard to this measure. He should have thought that the hon. and learned Gentleman might have afforded to throw away all those animosities which, upon other occasions, might be allowed to influence his conduct. He should have thought that the time had come when, having done great things for his country, the hon. and learned Member might have said, "Here is a Government which has not only the will but the power to do justice to my wronged and beloved country." The hon. and learned Gentleman had never before seen a Government in office which had both the will and the power. He could not deny it. Why would he not then now rise superior to sectarianism, and aid in that glorious course? It was a glorious course. As in one great question he had shown and taught them the way, why not now, as he was approaching the close of his public career, teach the people to refrain from that agitation, which now was useless, and to help him and the Government, and all true friends of liberty and justice in Ireland, in carrying out those measures which the Government, and which every free-thinking and independent man in the United Kingdom, admitted were intended for the benefit of Ireland? Why not say that the sun which had warmed the people in its mid-day career, might shine with a benignant and milder lustre as it approached its setting in the western ray? He had gained many victories; there remained but one more for him to achieve, and that was the victory over himself. If he should achieve that, he would go down to posterity as a great man, who had conquered his own feelings of animosity to those in power, and who had done so because he felt that by pursuing that course, he was conferring substantial benefits upon his country. The Government had been charged with having deviated from their former principles in bringing forward this measure. He believed it to be the duty of a Government to oppose the bigotry of those who were attached to the bygone systems of trade and commerce, as well as to oppose the monopoly of religion, whether coming from Protestant or Catholic. He honoured the Government for having, in all their measures, defied both bigotry and monopoly. He had heard them upon all occasions argue against those who admitted exclusive protection either to the one or to the other, and he honoured them for that course. He only hoped that they would go on in that course, regardless either of taunts or of reproaches; for he could assure them that it was a course approved by liberty and truth, and one which the free and independent voice of the kingdom would sanction. Every advancement in the education of the people had been made in spite of the monopoly of religion. To the Government he would say, "Go on and prosper in that course; that is walking in the light of the Constitution; that is true Conservatism; for it is teaching the people, and all the nations of the earth, that there is no legislative importance—no advantage to popular liberty—no offering to her sacred cause, which they might not hope to attain under that free Constitution of which your reason preserves the energies, and under that Constitutional monarchy of which you are the worthy Ministers."

Mr. *Colquhoun* said, that though he should come to the same conclusion as his hon. Friend, still it would be for very different reasons from those which had induced his hon. Friend who had just sat down to support the measure; for he was sure he should be charged with satire if he called this a religious Bill. It might be a Bill called for by a necessity; but it certainly was not a religious measure. The right hon. Baronet himself had not introduced it as his hon. Friend had done, in that speech which he (Mr. Colquhoun) did not think should have been delivered on those benches, but on the other side of the House, and which he thought would find scarcely a complete seconder, except in the hon. and learned Member for Bath. The right hon. Gentleman stated, that if they were to give education to the middle classes at all, it must be by steering clear of the question of religion altogether; and

he (Mr. Colquhoun) confessed, that not agreeing with the principle of the Bill—doubting whether any circumstances justified the Government in introducing such a measure—having declined to affirm the principle of the Bill; yet, finding that it had been affirmed by the House, he was bound to say, that every Amendment which was proposed tending to introduce religion, appeared to him to be an Amendment only tending still more to perplex the question. Their principle was to give to the people the best secular education that they could supply. It was said, that this was the best system that could be introduced under the circumstances. It might be so; but to say that it was a good system, a University system, or an academical system, or to speak of it in the same breath with Trinity College, or the Scotch or English Universities, would be a perversion of the rules of common judgment. It was not the rules of College discipline, nor the sermons heard, nor lectures delivered upon the Thirty-nine Articles, that gave life and efficacy to the University education of England; but the example and instruction of superior men, of clergymen of our own Church, estimated for their superior knowledge and abilities. It was the influence of their character, and the contagion of their opinions. As a proof of this, he might refer to the difference which was created in Rugby school by the presence of Dr. Arnold, who was intent upon his work, and whose earnest and energetic mind led after him, by a strong sympathy, the docile minds of the youth committed to his care. There was here no change of system, but a change in the teacher. But the vice of this Bill, and of all such systems, was, that the utmost you could get from your professors on one great branch of instruction was neutrality. The right hon. Baronet had spoken of the Belfast College, but the case of that College was most adverse to his argument; for the complaint there was not that theological teachers taught Arianism, but that professors of elocution, and grammar, and Greek, introduced Arianism into lectures with which Arianism had nothing to do. [Mr. *O'Connell:* Hear, hear.] So, in the midst of astronomy, which the right hon. Baronet had correctly described as tending to elevate the mind of man, an infidel might secretly infuse principles of a different character. They could not prevent a glance, or a shrug of the shoulders, or a careless passing over of a sentiment—all of which would communicate to the youth an impression of the teacher's indifference to religion. He, therefore, said, that they were not, by any regulations they could introduce into this system, safe from the evils that had been pointed out. Still, there seemed, according to the view of a majority of the House, to be no alternative but to adopt it. But he wished to guard against its being looked upon hereafter as a precedent. Future Governments might say, "This question of English education is becoming increasingly difficult; we must contrive to get rid of religion in our popular schools and Universities, as it has been got rid of in the academical Colleges of Ireland." Imperfect, he regarded this system to be, and full of objection; but as a precedent, it was absolutely formidable. He was only relieved, in some measure, from his apprehensions upon that point by the declaration of the right hon. Baronet the First Lord of the Treasury—a declaration studiously made — that the Bill was called for by the peculiar circumstances of Ireland. [Sir *R. Peel:* Hear.] The right hon. Baronet the Secretary of State for the Home Department had recommended the measure on the ground that, in principle, it was similar to the system of national education at present in operation in Ireland. But he saw a serious difference between them in a very essential particular. The great objection to the national system of education was, that it was practically placed in the hands of local patrons, who appointed the schoolmaster; whereas here the Government proposed to retain that patronage in their own hands, and he hoped that nothing would deter them from doing so. The hon. and learned Member for Cork quoted on a former evening some passages from the evidence of Timothy Lynch, as contained in the report of the trial at Tralee, showing how he had "humbugged" a number of persons regarding his religion; and he would now beg the attention of the House to the following extracts from the evidence of that man, in order that the House might see the effect of local influence as applied to the national system of education in Ireland. The witness (Timothy Lynch) said—

"I am now a Roman Catholic, and I was appointed teacher of the national school by the Rev. Mr. Devine, the Roman Catholic priest of Dingle. I was born in Iveragh, and lived

there in the early part of my life; I came to Dingle to go to school. Where did you stop at Dingle?—I stopped at Miss Hussey's, of Kilfountain. How long did you remain with Miss Hussey?—I stopped with her until I was sent to Dublin to be trained as a national schoolmaster. How long did you remain in Dublin?—About three months, Sir, and at the end of that time I came back to Dingle. Were you a Roman Catholic when you came back?—I was, Sir. Why did you come back to Dingle?—I came back to be appointed a teacher of the Dingle national school; I was appointed a primary teacher; Ballyferritter is about six or seven miles from Dingle; I left the national school of Ballyferritter in the year 1841, and I was appointed as teacher there in the year 1838. Why did you leave it?—I left it, because I did not want to stay any longer there. Upon my oath, I had not a quarrel with Mr. Casey, the priest, about salary; he did not turn me out of the school, but he wanted to reduce my salary, and I left him and went to Liverpool, in expectation of a situation; I got sick in Liverpool, and was so for about six weeks; I never went to church in Liverpool; I came from Liverpool to Dublin, and on my arrival in Dublin I met the Rev. Mr. Moriarty's brother, and had a conversation with him; I went to church in Dublin at that time; I don't think I told the Rev. Mr. Norman that I read my recantation in Liverpool, and I never did so. Who were Mrs. Peebles and Miss Bellingham?—They were two ladies that Mr. Matthew Moriarty introduced me to. I see; and you told Mrs. Peebles that you were an excellent Protestant?—It was necessity compelled me to do it. Mr. Moriarty introduced you to Mrs. Peebles, and Mrs. Peebles told you to go to church?—Yes, Sir. Come, now, upon your oath, didn't you humbug the lady?—Many besides me humbug them. On your oath, didn't they think you a great Protestant?—Sure I went to church. Come, now, did not Mrs. Peebles and Miss Bellingham think you were a great Protestant?—Witness (pausing and holding down his head)—They did certainly. Now, on your oath, how long did you continue humbugging the poor ladies?—Witness (pausing and confused), I suppose it was humbugging them. But how long did you continue humbugging them?—I was with them from the time I arrived in Dublin till the 16th of March. How many children have the good fortune to be under your charge?—Sometimes 180. Do you instruct them in morality and truth?—I do, Sir. Do you consider it a crime to tell a lie and to be a hypocrite?—It is, certainly. Do you teach that to the children?—Sometimes."

So much for the man's own evidence: he would now turn to the remarks of counsel thereon—

"Lynch goes to Liverpool, he comes back to Dublin, and cannot tell you the names of the churches to which he went. You have heard from his own lips the story of his infamous career. He comes down to the west, and represents himself as an honest man, and, at the same time that he was covered with disgrace and degradation, he said, that his religion was unchanged—in other words, he denied that very God on whose word his oath was taken. He is now connected with the national schools. That being, whose words excited unmingled, withering disgust in the minds of every one who heard him—he is now the instrument of the education of children—of the instruction of the rising generation! He is now a national schoolmaster, appointed by a rev. gentleman who has taken an active part in this defence; and, gracious Heavens! will he venture to keep him, poisoned as is every communication which comes from such a source? Can that man administer instruction to the poor, steeped as he is in the moral filth of infamy and crime? And yet this is the man who is ushered in and put forward as one of their best witnesses—a double-sold apostate, a foul liar to his God, and an abominable perjurer. That is the man on whose evidence you are called upon to decide."

There was a specimen of one of their national schoolmasters; there was a remarkable specimen of the unwholesome influence of those local patrons to whom was committed the charge of appointing the national schoolmasters. He should be under great alarm if this academic system was assimilated in this respect to the system of schools, and if Her Majesty's Government did not purpose to retain in their own hands the appointments to be made under this Bill.

Sir *R. Peel:* I could hardly, Sir, have expected to have heard the name of Mrs. Peebles introduced on the present occasion; and even if it were a fitting occasion for introducing it, I do not think the hon. Gentleman has used it very successfully in his attack upon the system of national education in Ireland. Sir, if the proof that one individual master was unfit for the situation to which he had been appointed was to be conclusive evidence against the whole system, I am afraid there is no institution, civil or ecclesiastical, that could stand against that mode of testing its character. I shall not now enter into the consideration of the policy of upholding the national system of education in Ireland. What we have to discuss to-night is not the general principle of this Bill, but the policy of adopting a particular proposal made by my noble Friend the Member for Hertford, and to which I think we ought to confine our

deliberations. My noble Friend proposes that we should resolve—

"That it is the opinion of this House, that in the establishment of Colleges in Ireland, provision should be made for the religious instruction of the Pupils, by means of Lecture Fees, till such time as private benefactions for that object may have taken effect."

In bringing forward this Motion, my noble Friend makes this admission—he admits with me that the circumstances of Ireland are peculiar. Now, I again repeat the declaration which afforded some satisfaction to the hon. Gentleman who spoke last, that I do not vindicate this plan of the Government as a perfect or unexceptionable plan. I think that would be a better plan which had religion for its foundation. I wish the circumstances of the country admitted that in founding a plan of national education you could incorporate with the system of secular instruction which it embraced, instruction in the religion of the State. I do propose this plan, on account of the peculiar circumstances of the country for which it is intended. There exists in that country so unfortunate a diversity of religious opinion, and so great a necessity for increased and improved academical education, and, believing it is for the interests of society that that education should be of a mixed and united character, I feel that I can vindicate it by a reference to those circumstances, and that they are sufficient in themselves to justify Her Majesty's Government in proposing such a plan. My noble Friend makes this admission, that he would not think of having theological instruction exclusive, and that a proposition for founding three theological professorships—one connected with the establishment, one with the Roman Catholic religion, and one with the Presbyterian religion—should have his most decided opposition. He perhaps may have thought with me, that it would have been impossible to have made a number of such professorships, unless it was intended to cast a reflection upon some particular form of religious faith. Therefore, my noble Friend and I are advanced very far on the same ground in the consideration of these Colleges. But, then, my noble Friend proposes that for a certain time, but not permanently, provision for religious instruction shall be made, and by fees upon the pupils. He attaches the condition, that they are not to be permanent; that they are to be until such time only as private benefactions shall have taken effect. He, therefore, contemplates private contributions as the ultimate means, and only resorts to fees as a temporary substitute. If that is so, I ask whether by such a substitute he will not be practically preventing and discouraging private contributions? He would establish an insufficient provision for a theological professorship, but quite sufficient to discourage and prevent private contributions. I do think, therefore, that we pay a greater homage to the principles of religion by the proposition which we make, than by subjecting the pupils to the payment of fees for the purpose of providing a salary for the person who was to instruct them in those principles. We not only propose, at the cost of the State, to establish an excellent secular institution, and to endow professors in every branch of secular instruction, but we go further—we provide for the distinguished students, without reference to rank or religion, ample premiums, and in case of poverty some means of enabling them to meet the expenses of their education. During the three years of the curriculum there is to be a provision for not less than twenty prizes, increasing in amount according to the standing of the students. We say, that on account of the diversity of religious opinion, we are unable to provide religious education; but, so far from repudiating it, we think that provision ought and will be voluntarily made for it. Sir, my firm belief is—such is the deep feeling of religion among all classes in Ireland—my firm belief is, that the Roman Catholic body will give much more ample contributions for the endowment of their professors than you would collect by the annual fee of two or three guineas levied on the students. There are two great authorities, as connected with religion, to whom we are enabled to make an appeal; first, there are the parents and natural guardians of the youth sent to these Colleges. It is said, you are going to remove the youth in all cases from the roofs of their parents, and therefore diminishing the chances of their having a good religious education. Either the parents are religious, or they are not. If the parents are not religious, there is no great harm in severing the youth from their immediate charge. I cannot help thinking that the youth sent to Cork or Belfast,

brought into contact with distinguished professors, are much more likely to imbibe sound religious principles, than if they were left under the tuition of irreligious parents. But suppose the parents are deeply impressed with the importance of religion, that they are most solicitous for the temporal and eternal welfare of their children, that they are most desirous that their offspring should be well educated in the principles of their own faith, do you believe it possible that parents, entertaining such feelings, will not take care that they shall be placed under the superintendence of some one who will be responsible that they duly attend to their religious duties? Then there is another part of the community on whom we may rely—the spiritual instructors of the people. Are we to presume that there is indifference on their part? Take the case of the city of Cork: are we to presume that the ministers of the Roman Catholic faith, or of the Established Church, will not voluntarily and zealously exert themselves for the purpose of aiding in the religious education of the youth who may resort to the College in that city? My belief is, that you may rest with firm confidence, both on the interests of parents in the welfare of their children, the zeal of their spiritual instructors, and on the liberality of the affluent, of every religious persuasion, for providing that religious instruction which it would be contrary to the principles of this Bill for the State to endow. Again, I repeat, that I think we pay a greater tribute to the religious principle by relying on the contributions of the affluent, by inviting them to contribute to the foundation of these halls, where religion may be taught, and moral discipline enforced, than if we subjected each student, on his entering College, to the payment of a fee for a theological professor. So far with reference to the principles of the two proposals, and I think ours is infinitely preferable, so far as religious principle is concerned. But as to details, how does my noble Friend mean to carry out his plan? Let us begin with members of the Establishment. He would require that a Protestant youth, whose parents belonged to the Established Church, should pay a fee of three or five guineas annually for religious instruction; that there should be a professor connected with the Established Church who should give lectures on religion. Are the young men to be compelled to attend those lectures? Let us look at the differences that unfortunately prevail; in the case, for instance, of Oxford. Suppose such a professor as my noble Friend recommends were appointed there, I am not quite sure I should find any very unanimous desire to attend these lectures. Conceive a professor giving theological lectures in the University of Oxford, would it be wise to impose an obligation on every member of the Establishment to attend them? Would it not be infinitely better to leave attendance to the free choice of parents and students? I believe the same might be said with regard to the Roman Catholic Church. My noble Friend said he would leave the choice to the Roman Catholic prelates: we make attendance voluntary. But after you have exacted the fee, I think you could hardly leave it optional with the pupil, whether he attended these lectures or not. If he declined from religious scruples, or objections to the professor who gave the lectures, would you in that case either enforce attendance, or compel the payment of the fee? To compel the payment of the fee, when there was a religious objection to the professor, would be to introduce a new element of religious discord in matters of education. I do hope the House will, on reflection, see all the difficulties involved in this question, as justly observed by the hon. Gentleman who spoke last. It appears we have the choice between two alternatives—either to appoint theological professors and endow them by the State—or to take the course we have taken, namely, to provide excellent secular instruction, and to leave the endowment of theological professors to the voluntary contributions of the affluent, and to the natural solicitude of parents to provide for the education of their children. I think any attempt to engraft compulsory attendance on theological lectures would fail, and to exact fees without compulsion would be inconsistent. We take a middle course. We think ours is the true principle, and we believe any departure from it will not be accompanied with any compensation equivalent to the loss we should sustain by the failure of that principle. It has been charged upon us that, in devising this measure, we have not taken the opinion or consulted the wishes of ecclesiastical authorities. Sir, the ex-

perience of what has passed convinces me that in taking that course we acted wisely. I think there is little probability that if we had consulted ecclesiastical authorities, we could have proposed any measure for joint education which was likely to have their assent. For instance, when the Roman Catholic prelates state what is their minimum, they insist on it that the professors of geology and anatomy must necessarily be of the Roman Catholic religion. Well, now, was it possible, would it have been wise in us, to take the opinions of the prelates—to the parties to be bound by the advice given us; having got an opinion of that kind, was it in our power to adopt it? or, would it be respectful in us, having invited the opinion, peremptorily to refuse to act on it? I never could have proposed, I never could have sanctioned the principle that in any scheme for academical education in Ireland, anatomy could not be taught to Roman Catholic students by a Protestant professor. I never could recognise the principle that a Protestant student could not learn geology from a Roman Catholic. What would a philosopher of old, if he could be recalled from the dead, think of our religion, to be told that, having the light of Revelation, having made such wonderful discoveries in science, believing in all the great truths of Christianity, such was the state of society that the natives of the same isle, the subjects of the same Queen, the professors of the same faith as to all its leading principles, could not learn from each other the principles of abstract science without the danger of interference with their particular creeds? This really is altogether alien from that spirit to which I think religion ought to tend. Why should I tell the Roman Catholic of the last generation that they must not be present at the lectures of John Hunter, because he was not a Roman Catholic? Must I tell a Roman Catholic student of the present day that Sir Benjamin Brodie cannot instruct him in anatomy, because he is not a Roman Catholic? Must I tell a Roman Catholic resident at Dublin, now, that he must shun Sir Philip Crampton as a pestilence, because he is not a Roman Catholic?

Mr. *O'Connell:* It so happens that, in a lecture on anatomy, he introduced one of the greatest calumnies imaginable against the Roman Catholic religion; thinking the fact true, no doubt, himself.

Sir *R. Peel:* Well, in such an instance the power of the Crown would be used, under this Bill, to remove a professor so acting immediately. I regret to hear what has been stated of so eminent a man. The hon. and learned Gentleman must excuse me if I rather hope he has made a mistake, than think it possible that in reading lectures to students on anatomy, Sir Philip Crampton should have insinuated anything disrespectful to the Roman Catholic body.

Mr. *O'Connell:* I would not willingly lie under the imputation of stating anything designedly wrong. The gentleman in question is most eminent: he is at the head of his profession in Ireland, undoubtedly; a more respectable man in all the relations of life is not to be found; but in a lecture on anatomy, taking Protestant authorities for matter of fact in the history of anatomy, he accused the head of the Catholic Church of the grossest persecution of an individual, for no other reason than that he had made discoveries in anatomy. It did not rest here; a Catholic clergyman conversant with the history of anatomy, in reply to the published lecture, proved that the individual had been guilty of forgery, for which he was punished. The treatment by the Inquisition was altogether unconnected with science. Sir Philip Crampton, however, had the manliness at once to come forward and admit that he was wrong.

Sir *R. Peel:* I have known Sir Philip Crampton in other times; he is a man of the most comprehensive liberality, and I never knew him to utter one word that could give offence to a Roman Catholic. It was certainly possible that a Protestant professor, speaking of Galileo, or in lecturing on the circulation of the blood, may have referred to the difficulties thrown in the way of science by men of great weight and ecclesiastical station and influence, but without the slightest reflection on the faith of a Roman Catholic. But if such be the state of society in Ireland, that on account of religious controversy and political difference—such is the alienation that exists—that an eminent man cannot rest from taking advantage of a great public office for the purpose of giving offence to his Roman Catholic fellow citizens, does it not suggest to us the caution with which we should endeavour to lay the foundation of a better order of things, and invite the youth of every religious persuasion to abate

their animosities, and turn the edge of their mutual prejudices by uniting together in a common course of secular education. I admit that we are open to the objection of not having consulted the leading ecclesiastical authorities of the different religious persuasions in Ireland as to our plan of mixed secular education. But I find a letter which has been addressed to me by one of those authorities —I mean Dr. M'Hale, that he expresses great doubts and difficulties on the subject of the Government plans. He says—

"Disguise it as you may, your scheme of academical instruction, coupled with your repudiation of the Resolutions and Memorial of the bishops, is only a fresh attempt, similar to that of the charter schools, to bribe Catholic youth into an abandonment of their religion."

And further on he says—

"And you do this to second the schemes of mercenary infidels, who are springing up in the country, and who, under the affectation of zeal for education, would not hesitate to advocate Mahometanism, if it gave them access to the patronage of the Lords of the Treasury."

Supposing, then, that we had previously determined upon taking Archbishop M'Hale's opinion upon our scheme of education, I fear we should have been reduced to the alternative of abandoning our plan, or else of neglecting and slighting that opinion which we sought. The same may be observed of the other religious persuasions in Ireland; and it is only a short time since I received a letter from a Presbyterian clergyman of high character, wherein he says—

"Sir James Graham appears to have intimated that all religions would be represented in the professorships. Now, I should be acting most unfaithfully to the Government did I not clearly express my conviction that one Roman Catholic or Unitarian professor in the undergraduate course—I mean the imperative part —would at once decide the General Assembly to withdraw every student. Of this result I entertain not a single doubt. You might, indeed, appoint an Episcopalian of the Church of England, not known as a Puseyite, as readily as a Presbyterian or a Baptist, Independent or Methodist, without much dissatisfaction, but not an Unitarian or Roman Catholic professor."

And the letter goes on further to state, that the appointment of a Unitarian or a Roman Catholic professor teaching astronomy or anatomy would at once decide the General Assembly to withdraw every student. Now, I believe that the effect of these denunciations of the Government plan of education in Ireland will be to provoke throughout that country a spirit far more consonant to the true genius of the Christian religion than that with which they are imbued. I believe, Sir, that the people of Ireland will consent to receive instruction from professors of eminence of all creeds, if they find that security is given to them that no advantage shall be taken of their position as teachers to undermine the faith of the young men confided to their charge. As to infidelity, we are all agreed, Roman Catholic, Presbyterian, and Protestant, to repel infidel doctrines. You cannot doubt that any attempt to disseminate such doctrines will be repelled, if you commit to the Crown the powers of visitor to these academical institutions. Your apprehensions on that head, therefore, are unfounded. Do you entertain any apprehensions with respect to Trinity College, Dublin, or the course of education insisted upon within the walls of that institution? The right hon. Member for Waterford, the hon. Member for Kerry, and the right hon. Gentleman the Member for Dungarvon, were all educated there. Observe, that the lecturers in the abstract sciences at Trinity College are necessarily all Protestants—members of the Established Church. The lecturer in physics might, I believe, be a Roman Catholic; but those by whom the right hon. Gentlemen the Members for Waterford and Dungarvon, and the hon. Member for Kerry, were taught, were members of the Established Church. What was the testimony of those Gentlemen to whom I now refer upon this point? Why, that each of them had been four years resident within the walls of the exclusively Protestant University of Dublin, and they were bound to say that none of them had, during those four years, ever heard any professor utter one word against the Roman Catholic religion, nor attempt to take any advantage, or to gain them over from their faith. If that be a true account of the course pursued towards Roman Catholic students in a place so exclusively Protestant as is Trinity College, Dublin, are not your apprehensions vain when you anticipate such attempts being made in places of education where no religious tests are required—where no preference is given to any particular religious creed? Is it, I ask you, likely that after the experience which you have had of the practice

observed in Trinity College, Dublin, you should have any cause to apprehend such a system as you have deprecated as likely to be brought into action in the educational establishments created by this measure. I do, therefore, hope, that after the first symptoms of fear and distrust which the Government plan has excited in the minds of those to whom I refer, there will be a reaction in its favour, and that such men as Dr. Crolly, and others endowed with the experience and wisdom attributable to the Roman Catholic prelacy in Ireland, will perceive that their objections to our plan of education have no real foundation. I admit the influence, I acknowledge the importance and weight which attaches to their opinions upon such subjects throughout Ireland, more particularly throughout the south of Ireland. But still I do not despair of seeing that Roman Catholic prelacy, when they shall have acquired by experience of its result the assurance that no advantage is taken of our plan of secular education to tamper with the faith of their youth, or to interfere with the tenets of their Church within the walls of these academical institutions—I repeat, I don't despair ultimately of seeing them hail our plan as a great boon to Ireland, as a plan calculated to bestow a sound education upon the youth of Ireland; but, above all, as a plan by which we shall lay the foundations of a better and kindlier feeling towards each other, than has heretofore existed in the minds of those who are destined to constitute the future manhood of that country.

Mr. *O'Connell* said: Sir, if this debate had not taken a desultory course, and had not avoided the great measure in dispute, I should have taken the liberty to have obtruded myself much earlier upon the attention of the House, and to have expressed my opinions then in as few sentences as I now mean to address to it. I cannot, however, go on without referring to the subject of Sir Philip Crampton, lest it should be supposed that I meant to say anything derogatory to that gentleman, or to insinuate anything that was unworthy of his reputation. I named an instance which I thought was the strongest that I could have adduced, because the mistake into which that gentleman fell was a mistake deduced from Protestant writers. He himself was utterly unconscious that what he was stating was not the literal fact. The Rev. Dr. Miley convinced him that it was not so, and he at once gave evidence of his high character, and the regard which he had for the truth, by retracting the expressions which he had used against the Court of Rome. I have half a mind to detain the House for a few minutes on the subject of Galileo. The right hon. Baronet himself introduced it. The general idea is that Galileo was imprisoned for supporting the Copernican system, and that he was for a length of time in the Inquisition. In point of fact he was in the Inquisition three days only. Three days constituted the entire length of time which Galileo spent in the Inquisition; and so far from his being sent to gaol for promulgating the Copernican system, the Pope who was the cotemporary of the philosopher, was the very man who enabled Copernicus to publish his discoveries. Galileo was imprisoned for quite a different thing. He asserted that the centralization of the sun and the movements of the planets could be proved out of Scripture. He was forbidden to publish that doctrine—he broke the prohibition, and was sent to gaol for three days for a breach of the injunction; and that was the history of his imprisonment. I regret that the Government has expressed its determination to persevere with this Bill in its present form, and based upon its present principles. I am not disposed to give any heed at all to the array of motives charged upon the Government for bringing it forward. Almost all our actions proceed from mixed motives. I believe that the predominant motive which actuated the Ministers in this matter was to bring forward a measure conciliatory to Ireland. I am quite free to confess, that I believe that such was the leading object of the Bill. I should like to know from the hon. Member for Winchester, who paid me a high compliment, attributing to me much power, what were the other measures relative to Ireland brought in by the Government which I could support? The condition of Ireland is now such that no delay can be afforded in the application of a remedy. Ireland is in a frightful state. You have the most decided evidence of that fact in the Reports of Committees and of Land Commissions. In 1830, Mr. Spring Rice spoke of the great distress which then existed, but was full of hope that relief would be speedily afforded. In 1834, the Poor Law Inquiry

Commissioners said, that there were 2,300,000 persons in a state of destitution in Ireland. You have now a Land Commission, and what does it tell you? Why it announces to you the startling fact, that 4,500,000—that is to say, more than one half—of the population of Ireland — are in the melancholy condition thus described. They are badly fed, badly clothed, badly housed, badly paid; their food potatoes—their drink water—a bed and blanket luxuries to them almost unknown; in fact, they are suffering more than any other peasantry in Europe. That is the condition of Ireland, and is it not a condition full of horror? Forty-five years after the Union that is the condition of Ireland! Mr. Spring Rice, in 1830, promised amelioration. Mr. Wiggins, at the same period, expected the approach of relief; but in 1844 he writes a letter, declaring that he was convinced that he was totally mistaken, and that the destitution of the people of Ireland had increased. Of what other people can such a description be given, as that which can, unfortunately, be drawn of the people of Ireland? This description is given by Lord Devon's Commission, and there cannot be the least doubt of its accuracy. If it is inaccurate, it is because its colouring is not sufficiently high, and not the least hope of amelioration is held out without the most complete change of measures. Recollect also, that the agrarian disturbances in Ireland are accumulating year after year. You hear of more and more murders year after year. You hear with horror, and you should hear with repentance, of the increasing number of those hideous assassinations committed by the friends of ejected tenantry upon those who are instrumental in their ejection. The evil is proceeding north. The disturbances are spreading which now pervade the centre of the county of Roscommon, the entire of the county of Leitrim, and part of the county of Cavan; and a meeting of magistrates was held the other day in Fermanagh, where no less than two murders have been perpetrated under the present system within a short space of time. Are the Gentlemen of England—are Gentlemen in the House of Commons aware that this is the situation of Ireland? They cannot, if they give themselves leave to think, doubt that it is so. The evidence is of the most cogent character, and no doubt can be entertained of the fact which it but too strongly proves. And yet you are talking here of your mighty boon. What is that boon? The people are starving. Feed them before you educate them. Don't think of such a Bill as I understand has got into the other House of Parliament. Don't mock us with your paltry unfencing of lands. You are calling upon the tenantry of Ireland—that tenantry of whom I have just given you a description—out of the little capital they have saved, to improve their lands, and if they happen to die within thirty years afterwards, their heirs will get some portion of the value of the improvements. When I addressed this House at the period between my conviction and sentence, I asked the Government what they were going to do for Ireland? It was no matter what became of me, my desire was that they should do something for Ireland. Though they did nothing for Ireland, they had on hand a scheme of their own which was to suppress in Ireland the expression of its sense of grievance and wrong. I got no response to my question as to what you were going to do. Let me, then, ask what now you will do for Ireland? I call upon the hon. Member for Winchester—and I feel exceedingly flattered by his attentions towards me—I call upon him to say what can the Government do for Ireland, what will the Government help me to do for Ireland? Have the manliness to meet the Irish landlords. One way in which to do good is to make such a change in the present landed system as to afford the people a chance. Do I owe an apology for adverting to this subject? I think not, for it is highly important as regards the question before us. If you want to do anything else for us from which we can expect any good at your hands, you must shape this measure in such a way as that it can be received, and come into action. It will not do for you to make admirable and eloquent speeches like the one to which I listened with pleasure but a few minutes ago—they may sound exceedingly well, but they do no good at all. Your triumphant majorities, your exclaiming "Hear, hear," your exclaiming against those who differ from you in opinion, are valueless themselves. Turn your majorities to good account, make them really useful to Ireland. The present Government is the strongest Government which has been known for a century, and you

have everything in your power. Give us, then, at least, this measure in such a shape as will enable the people of Ireland to receive it as a boon. You excuse yourselves for not having consulted the ecclesiastical authorities of every description in Ireland before you brought in this Bill. I do not know what harm it would have done you to have so consulted them. You might have told them that you were not to be bound by the opinions received from them, but it would have assisted yourselves in coming to a right determination to have consulted them. The people of England will not sanction this scheme of godless education, and you must introduce religion into your system, or it will not be received by the people of Ireland. The Irish are essentially a religious people. Infidelity is unknown in Ireland. Act manfully, therefore—make religion the basis of your proceedings, and fear not. By so doing you will have a better prospect before you—you will have the protection of a higher Power if you adopt proper principles as the foundation of your scheme; but do not flatter yourselves with the idea that you are doing anything conciliating to Ireland if, in a matter of this kind, you exclude religion from your consideration. Let there be Presbyterianism for the Presbyterian, Protestantism for the Protestant, and Catholicism for the Catholic. I want nothing for the Catholic which I am not ready to assert for others. Let there be fair play and justice to all. One would think that, if you introduced religious instruction to the Colleges, you were afraid that you were introducing for the first time the elements of strife and dissension. By Heaven! are not these elements in existence at present? Are men in Ireland, not Catholics, Protestants, or Presbyterians, whether you give the instruction or not? By showing fair play to all, by giving the opportunity of a more constant and attentive observation of religious duties, and by giving more religious instruction, you will give a better chance to the development of that which is the predominant quality in the Christian religion, charity towards each other; and by thus showing fair play and justice to all, you would have a better prospect, at least, of effecting that reconciliation between creeds which is so desirable. If you fail in your present scheme, won't you be the laughing-stock and the ridicule of the world? If you fail in the scheme of giving religious education, you would have the consolation of knowing that you had failed in a mighty and a majestic attempt—an attempt worthy of statesmen, and worthy in every way of Christian exertions. Do make an effort in the right direction, and fear not the result. Let me now remind you that the Catholic bishops of Ireland have met on this subject, that they have enunciated their opinions, and pronounced your Bills dangerous, both to faith and morals. That is the judgment which they have pronounced upon it. You may scorn their decision, and treat with levity their declaration; but I warn you to recollect that six millions and upwards of the people of Ireland treat their decision with profound respect. Recollect, too, that that decision has gone abroad among the mass of the Irish people. Conciliate the Protestants, and educate the Protestants—conciliate the Presbyterians, and educate the Presbyterians—but recollect, when you come to talk of educating the Catholics, that you must necessarily pay attention to that to which they pay attention—the decision of their bishops. Already have their bishops told them that your plan of education is dangerous both to faith and morals. When they want, by way of guarantee to them, that a number of the professors should be Catholics, it is not meant that a man calling himself a Catholic should be preferred to a Protestant, nor is it meant that a Protestant should be educated by a Catholic professor. Have you not, even in Belfast, two professors of divinity? Have you not there a double set of professors? And if you want for the protection of Protestants and Presbyterians a double set of professors, are not the Catholic bishops, whose duty it is to superintend the religious instruction of the people, justified in requiring the means of protecting the Catholics? You tell me that you will protect the Catholics. You say, that if a professor preaches infidelity, you will dismiss him. I am not satisfied with that. I mean you no disrespect, but I will not take your word for it. The bishops insist on having a power lodged in them for finding out the infidelity, and of having some voice, at least, in the dismissal of the professors who might inculcate it. I do not say that in every instance a professor of one persuasion will insinuate doctrines inimical to another. But they say we won't run the risk—that it is too awful a risk to be

run. They want not to interfere with your interests—all they want is to be able to watch over their own, and they insist upon having the means of ascertaining whether that interest is not sacrificed. These are the grounds on which we stand. It is not that the bishops say that Protestantism will mislead the Catholic; all that they insist upon is, that Protestantism is capable of misleading the Catholic. This has already been exhibited in Belfast. There professors of Unitarian persuasions are accused of introducing into their lectures Unitarian matter. The fact there is already proved; and really if it was not so proved, it is in human nature that it should be so, and that the danger apprehended should exist. The hon. Member for Newcastle-under-Lyne (Mr. Colquhoun) stated distinctly that the professors there broached infidel opinions in giving their lectures. I think direct allusion was made to the chair of moral philosophy. [Mr. *Colquhoun:* To the professor of Greek.] To the professor of Greek! Now, speaking of the matter, independently of the fact that it really is so, what excellent speeches might be made in this House, what cheers might be elicited, by its being asked, "Do you suspect the professor of Greek? what has he to do with religion? he is only teaching a language, teaching the different forms of words, teaching his pupils to conjugate τύπτω and the like." To say that there was any danger from him, would make us only be laughed at. And yet, this very professor of Greek is caught in the fact of inculcating infidelity upon his scholars. What do the bishops insist upon? Simply that there shall be no possibility of this in future taking place. As to your Amendments of this Bill, what in reality have you done? You have taken more power to yourselves. We want protection against you, against the Ministry of the day, whatever and whoever they may be. The Catholics require that they shall not be subject to the caprices or mistakes of the Ministry. The Ministry have not time to examine professors of anatomy and science—they must take their information from others, and, in nine instances out of ten, so long as I have been a Member of this House, we should have known the political tenets of these professors from those who appointed them. I really believe that future Ministers would take as much care of their friends, and be as sure not to promote their enemies as any Ministry have ever been. The fact is, to conciliate the people of Ireland, you must conciliate the Catholic prelates. To prepare a measure which will be acceptable to the people, you must consult the Catholic prelates. The bishops are now assembled, and you are aware as to what they should consider a sufficient protection to their religion. At present they have proclaimed the Bill dangerous to faith and morals. That is their present proclamation, and there is no sincere Catholic in Ireland who does not know that as far as religious instruction is concerned, he is bound by the decision of his bishop. Scientific instruction is another thing. But as far as religion instruction is concerned, or rather when a scheme is presented to that people, from which religious instruction is excluded, they cannot consent to receive education based upon such a principle. You may think the clamour gone which was raised in England. The clamour against the Maynooth Bill was the most senseless and atrocious display of calumny, hatred, bigotry, and bad feeling, which ever disgraced any country. That had now exhausted itself. You do not now perceive a symptom of it remaining. It has gone by, as has the snow of the past winter. You having nothing now to fear from it. You carried your Bill manfully. You did, and it did you great credit. I come not here with overweening expressions of gratitude; but I am grateful for that measure. I am here to declare that there never was a measure brought in with more complete fair play and justice, and with a more honest intention of carrying it out fairly for the people for whom it was intended. That measure was perfect in its kind, equal to any which ever passed through Parliament, and you are entitled to great credit for having carried it against the senseless and unjust clamour which bigotry for the time succeeded in raising against it. Take one step more, and consider whether this Bill may not be made to accord with the feelings of the Catholic ecclesiastics of Ireland. I ought not to detain you. I am not speaking here in any spirit of hostility. I should be most happy to give every assistance in my humble power to make this Bill work well. I have the most anxious wish to have the Bill work well, because I am desirous of seeing education promoted in Ireland; but even education may be misapplied power. I admit that at one time I thought the plan

of a mixed education proper; and I still think that in literature and in science a system of mixed education would be proper; but with regard to religious education, I think that each denomination of Christians should be educated by their respective religious instructors. Let the students be put upon terms of perfect equality in respect to religion, and then you will have a basis laid for an equality of education in literary and scientific pursuits which would gain the cordial assent of all parties in Ireland. Certainly the Bill as it now stands may seem to confer very formidable powers on the Minister of the day in the nomination of the professors, and the degree of control which they will be enabled to exercise over these Colleges; and more especially they may appear so to a thorough Radical like myself; but I am not afraid of these powers. The smuggler meets his check in the Chancellor of the Exchequer; and so, in as far as the powers confered by this Bill are concerned, where the Ministers may acquire the means of making one man, perhaps, grateful, they, in all probability, will incur the hatred of fifty. Again, I repeat, I am most anxious for the success of this Bill; but I fairly tell you it cannot succeed without the Catholic bishops. They have the faith of six millions of people in their hands. There may have been harsh expressions in the public papers, but depend upon it great anxiety exists in Ireland to have such a measure, if you will but make it effective—and if you choose to make it effective you have it in your power. For myself I am not indisposed to vote with the noble Lord, but that is without prejudice to any better mode being considered when we come into Committee. But let me here express a hope that there will be no persevering with the Committee this night. A few days' delay may have a most important effect. I am so strongly impressed with that opinion, that I do hope that the right hon. Baronet will not proceed with the Bill in Committee to-night. However, which way soever you may decide in that respect, I trust the House will believe that what has fallen from me has been uttered in the fairest spirit of good faith. My political power elsewhere may be deemed a jest, but here it is a reality. I am ready to join in any measure that may be useful to the people of Ireland, and that may tend to do away with the spirit of disaffection existing in that country. It is not a political disaffection; it is not a religious disaffection; but it is a physical disaffection. You, Gentlemen of England, have no notion of its extent or of its intensity, and though it may not display itself at this moment sufficient to alarm you or arouse you, still the time may come, after some of us shall have gone to our graves, when that physical disaffection may have the most frightful consequences.

Sir *Robert Inglis* had not intended, when he entered the House, to take any part in the debate of the evening, nor would he even now discuss the general subject; but he was unwilling to omit the opportunity of noticing one part of the speech of the hon. and learned Member for the county of Cork (Mr. O'Connell). That one part contained more errors than he believed had ever before been compressed into so small a compass. The hon. and learned Gentleman had, in a kind of episode and parenthesis, referred to the case of Galileo; and had alleged, that it had been most erroneously quoted as a proof of the persecution exercised by the Church of Rome towards that individual, and towards science in general. The proofs which he gave, in order to satisfy the House that the Pope and his Church had been calumniated, were two: first, that Pope, said the hon. and learned Gentleman, (he, Sir R. Inglis, took down his words at the time,) "had enabled Copernicus to publish his observations;" and could not, therefore, have been an enemy to science in general: and, secondly, Galileo, so far from having been a long time in the Inquisition, was there for three days only. Now, in the first place, the Pope, who was reigning even when Galileo was first questioned by the Inquisition, was Paul V. (Borghese), who begun to reign in 1605, and died in 1621: Copernicus died in 1543. It is scarcely necessary to say, that it would have been impossible for a Pope—beginning to reign in 1605—to have assisted any man to publish any observations, who himself had died in 1543. Then, in the next place, the hon. and learned Member stated that Galileo was "only three days in the Inquisition." Any one who knows what the Inquisition was, would say, that three days, or even one day, was a period much too long for any one to be there confined; but, in point of fact, at the period when Galileo was actually in the hands of the

Inquisition, he had been under their surveillance at least, at a distance from his home, for many months; even if he were not within their walls for more than the four days when his retractation was forced from him. Then, as to the general conclusion which, in the last place, the hon. and learned Member draws from his own statements—to the effect, that the Church of Rome was not hostile to science. Can he forget, that two of the most learned mathematicians in the last century, the Jesuit editors of Newton's works, felt compelled—even at that comparatively late period—to declare, that though they were obliged, in order to explain the *Principia* of Newton, to assume his facts, yet they did it, as acting the part of another person; and for themselves they declare that they held the doctrines which were sanctioned by the Church of Rome? Their expressions were "*Ceterum latis à summis pontificibus decretis contrà telluris motum nos obsequi profitemur:*" laying, it may be presumed, a strong emphasis, in their own pronunciation, on the word *profitemur*. He thought that he had now sufficiently proved, that the hon. and learned Member, whatever other merits he might possess, was not entitled to claim implicit credence to his statements of history.

Mr. *O'Connell* said, that he would to-morrow prove that he was right, and that the hon. Baronet was wrong. If there were any mistake on his part, it was only that the act which he attributed to a Pope, was done by that same Pope when a Cardinal.

Mr. *Sharman Crawford* said, he would always be ready to aid his countrymen in obtaining a redress of their grievances; but he must protest against the doctrine he had heard that night. If hon. Members were to be called to account by any ecclesiastical body, there was an end of their independence. Was not every hon. Member there for his Protestant and Catholic constituents alike? He claimed the right of independent action, free from the domination of any ecclesiastical authority, Catholic or Protestant. The hon. and learned Member had spoken of the "senseless cry against the Maynooth Bill." He belonged to a section of that House who had opposed the Maynooth measure from motives as honourable as those of any Gentleman in the House, feeling bound by the voluntary principle to do so; and the Catholics of Ireland ought to have adhered to that principle, and not have been parties to taking money out of the pockets of the people of England for the promotion of a religion of which the people of England disapproved.

Sir *A. B. Brooke* protested against what had been said of the state of Fermanagh. There had not been a murder committed there for many years.

Lord *Claude Hamilton* said, no man could have heard the speech of the hon. and learned Gentleman (Mr. O'Connell) without feeling that he who possessed such great powers of eloquence, and who could command an audience at will, had not on the present occasion been quite equal to himself. It impressed him with the belief that the hon. and learned Gentleman was unwillingly doing the work of others, in whose narrow-viewed and bigoted notions he did not coincide. What was the proposition of the hon. and learned Gentleman? Why, although many fair schemes had been shipwrecked by an endeavour to inculcate creeds which did not coincide with all parties in Ireland, yet when it was now proposed to adopt a scheme that was free from any such impeachable attempt, the hon. and learned Gentleman came forward and objected to the plan, because it did not embody the very thing which had hitherto made all attempts at establishing a general system of education in Ireland abortive. The hon. and learned Gentleman had given a description of the miseries of the people of Ireland,; but he did not, at the same time state that the Roman Catholic clergy were deriving a larger revenue than any other Church in Europe. He could not agree to the Amendment of his noble Friend, because it was his conviction that the only principle on which this measure could be successful was to leave the Colleges entirely free of all religion, trusting to the judgment of the parents and guardians the religious education of the students.

Mr. *Shaw* begged, even at that late hour, to be allowed, in very few words, to explain the vote he was about to give. Feeling that further means of education for the middle classes were required in Ireland, and that upon the whole, and under all the complicated difficulties of the case, the Government had proposed a plan more practicable than any other that had been suggested for the purpose, he had voted for the second reading of the Bill. He was deeply sensible that there could be no real education unless upon the basis of religion,

and that the present measure was deficient in that respect. The Amendment of his noble Friend, upon a general statement of it, and at first sight, struck him as calculated to give a more religious character to the measure; but upon reflection he was constrained to say that he did not think that would be its practical effect. First, because he agreed with his right hon. Friend (Sir Robert Peel) that to provide a temporary fund from the lecture fees would operate as a discouragement to private endowments; and, next, because he objected to an endowment of different religious professors, and so, he understood, did his noble Friend (Lord Mahon). He could not help feeling that there was in principle no great difference between a direct endowment by a grant of money from that House, and an enactment that by compulsory fees different religious professors should be in fact maintained. He should be glad if his noble Friend (Lord Mahon) did not divide; but if he did, then for the reasons he had stated, he should be obliged, although reluctantly, to vote against the Amendment of his noble Friend.

Mr. *Hindley* complained of the hon. and learned Member for Cork (Mr. O'Connell) having described the opposition to the Maynooth endowment as a senseless clamour. The hon. and learned Gentleman had himself, on former occasions, spoken strongly against the Maynooth grant, and avowed himself an advocate of the voluntary principle. He had presented 1,200 petitions against the Maynooth endowment, upon the principle which had been advocated by the hon. and learned Member himself—namely, the voluntary principle; and he thought it therefore hard that their conscientious opposition should be called senseless clamour. He wished to ask the hon. and learned Gentleman whether he still adhered to the voluntary principle, and included in his censure the petitioners whose petitions he had presented.

Mr. *O'Connell* certainly included in his censure many of the petitions presented by the hon. Member. He would undertake to-morrow to produce fifty petitions presented by him, containing the most outrageous calumnies against the Catholics of Ireland.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 189; Noes 49:—Majority 140.

List of the AYES.

Ackers, J.
A'Court, Capt.
Aldam, W.
Baillie, Col.
Baine, W.
Baird, W.
Barkly, H.
Baring, rt. hon. F. T.
Baring, rt. hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Visct.
Bateson, T.
Bellew, R. M.
Benbow, J.
Bentinck, Lord G.
Blackburn, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Boyd, J.
Bright, J.
Brisco, M.
Broadwood, H.
Brooke, Sir A. B.
Brotherton, J.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Buller, E.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Castlereagh, Visct.
Chelsea, Visct.
Christie, W. D.
Chute, W. L. W.
Clay, Sir W.
Clements, Visct.
Clerk, rt. hn. Sir G.
Clive, hon. R. H.
Cobden, R.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Collins, W.
Copeland, Ald.
Corry, rt. hon. H.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, J. E.
Dennistoun, J.
Drummond, H. H.
Duncombe, T.
Duncombe, hon. A.
Egerton, W. T.
Ellice, rt. hon. E.
Ellis, W.
Elphinstone, H.
Escott, B.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Forster, M.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hawes, B.
Hayes, Sir E.
Heneage, G. H. W.
Herbert, rt. hn. S.
Hervey, Lord A.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodgson, F.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hutt, W.
Irton, S.
Jermyn, Earl
Jervis, J.
Jocelyn, Visct.
Jones, Capt.
Kirk, P.
Langston, J. H.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Loch, J.
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
M'Neill, D.
Manners, Lord C. S
Marjoribanks, S.
Marsland, H.
Martin, J.
Martin, C. W.
Martin, T. B.
Masterman, J.
Mitchell, T. A.
Morgan, O.
Morison, Gen.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.

Northland, Visct.	Tennent, J. E.
Oswald, J.	Thesiger, Sir F.
Peel, rt. hn. Sir R.	Thompson, Ald.
Peel, J.	Thornhill, G.
Philips, G. R.	Tower, C.
Plumridge, Capt.	Towneley, J.
Polhill, F.	Traill, G.
Powell, Col.	Trelawny, J. S.
Praed, W. T.	Trollope, Sir J.
Pringle, A.	Trotter, J.
Pusey, P.	Vesey, hon. T.
Repton, G. W. J.	Villiers, hon. C.
Rolleston, Col.	Villiers, Visct.
Ross, D. R.	Vivian, J. H.
Russell, Lord J.	Vivian, J. E.
Ryder, hon. G. D.	Wakley, T.
Sanderson, R.	Warburton, H.
Seymour, Sir H. B.	Wawn, J. T.
Shaw, rt. hon. F.	Welby, G. E.
Smith, rt. hn. T. B. C.	Wellesley, Lord C.
Smollett, A.	White, H.
Somerset, Lord G.	Williams, W.
Somerville, Sir W. M.	Winnington, Sir T. E.
Somes, J.	Wodehouse, E.
Spooner, R.	Wood, Col. T.
Staunton, Sir G. T.	Worsley, Lord
Stewart, J.	Wortley, hon. J. S.
Stuart, W. V.	Yorke, hon. H. R.
Sturt, H. C.	TELLERS.
Sutton, hon. H. M.	Young, J.
Tancred, H. W.	Baring, H.

List of the NOES.

Acheson, Visct.	James, Sir W. C.
Adare, Visct.	Knight, F. W.
Adderley, C. B.	Lambton H.
Anson, hon. Col.	M'Geachy, F. A.
Antrobus, E.	Maher, N.
Austen, Col.	Manners, Lord J.
Baring, T.	Morris, D.
Barron, Sir H. W.	Murphy, F. S.
Blake, M. J.	O'Brien, J.
Blake, Sir V.	O'Brien, W. S.
Browne, R. D.	O'Connell, D.
Carew, W. H. P.	O'Connell, M. J.
Chapman, B.	O'Connell, J.
Clive, Visct.	Ogle, S. C. H.
Colvile, C. R.	Rashleigh, W.
Courtenay, Lord	Rawdon, Col.
Cowper, hon. W. F.	Roche, E. B.
Dawson, hon. T. V.	Sheridan, R. B.
Dickinson, F. H.	Somers, J. P.
Du Pre, C. G.	Sotheron, T. H. S.
Esmonde, Sir T.	Vane, Lord H.
Estcourt, T. G.	Wortley, hon. J. S.
Fitzroy, Lord C.	
Gladstone, Capt.	TELLERS.
Glynne, Sir S. R.	Mahon, Visct.
Hope, A.	Wyse, T.
Howard, P. H.	

The Bill committed *pro formâ*. Amendments made. House resumed. Bill to be recommitted.

LUNATIC ASYLUMS.] Lord *Ashley* moved the Second Reading of the Lunatic Asylums and Pauper Lunatics Bill.

Sir *J. Graham* observed, that he had already expressed his decided opinion that the period had arrived when the management of lunatic asylums ought to be compulsory. In ten years parishes would find themselves great gainers by the change. The interest on the money advanced, he apprehended, would be the same as on Exchequer Bills.

Bill read a second time.

House adjourned at half-past twelve.

HOUSE OF LORDS,

Tuesday, June 24, 1845.

MINUTES. BILLS *Public.*—1ª. Courts of Common Law Process; Courts of Session (Scotland) Process; Courts of Common Law Process (Ireland).

2ª. Tenants Compensation (Ireland).

Reported.—Military Savings Banks.

3ª. and passed:—Museums of Art.

Private.—1ª. Totnes Markets and Waterworks; Oxford, Worcester, and Wolverhampton Railway; Lyme Regis Improvement, Market, and Waterworks; Oxford and Rugby Railway.

2ª. Sampson's Estate (Ward's); Reversionary Interest Society; Quinborowe Borough; Wolverhampton Waterworks; Bridgewater Navigation and Railway; Edinburgh and Glasgow Railway; Leeds and Thirsk Railway; Newcastle and Darlington (Brandling Junction) Railway; Exeter and Crediton Railway; Waterford and Kilkenny Railway; Sheffield and Rotherham Railway; Caledonian Railway.

Reported.—Blackburn Waterworks; Lord Monson (or Countess Brooke and of Warwick's) Estate; Dundee Waterworks; Kidwelly Inclosure; London and Greenwich Railway; Kendal Reservoirs; Newcastle-upon-Tyne (Tynemouth Extension) Railway; Manchester Court of Record; North British Railway; Belfast and Ballymena Railway; Southampton and Dorchester Railway; North British Insurance Company.

3ª. and passed:—Lord Barrington's Estate; Lynn and Ely Railway; Midland Railways (Syston to Peterborough); Wilts, Somerset, and Weymouth Railway; Midland Railways (Nottingham to Lincoln); Monkland and Kirkintilloch Railway; Battersea Poor; Newcastle-upon-Tyne Coal Turn; Brighton, Lewes, and Hastings Railway (Keymer Branch); Ely and Huntingdon Railway; Great Grimsby and Sheffield Junction Railway.

PETITIONS PRESENTED. From Chelmsford, for the Suppression of Intemperance especially on the Sabbath.—From Camden and Kentish Towns, Borough of Marylebone, against the Insolvent Debtors Act Amendment Act.—From W. Clarke, Esq., of Chancery Lane, London, in favour of the Ecclesiastical Courts Consolidation Bill.—From Clergy of Diocese of St. David's, and from Inhabitants of Woodford, against Increase of Grant to College of Maynooth.

NON-ATTENDANCE OF MEMBERS ON COMMITTEES.] The Earl of *Charleville*, presented a Report from the Select Committee on the Glasgow Bridges Bill, that three Members of that Committee had attended to-day; but that owing to the absence of Lord Gardner, a Member of the Committee, it had been compelled to adjourn without transacting any business.

The Duke of *Richmond* moved that another Peer be appointed to this Committee in the room of Lord Gardner, and that Lord Gardner be summoned to appear in his place in the House, on Thursday next, at five o'clock, to state the reasons of his absence. It was absolutely neeessary that, considering the great amount of legislative business, every Peer appointed to a Committee should attend it, for in the event of non-attendance the parties were put to a very great expense. Their Lordships had exemption from serving on juries and performing other offices, in consequence of their duties in that House; and they ought, therefore, to attend regularly to the discharge of the business of the House, otherwise the country would sustain the greatest inconvenience.

Lord *Brougham* perfectly approved of the course taken by his noble Friend—it was, in fact, a matter of course. He did not, however, believe that the noble Lord (Gardner) intended to fly from the performance of his duty; but, at the same time, he thought it right to state for his information, that it was the greatest mistake to suppose that attendance upon that House was purely voluntary on the part of their Lordships. Every Peer was bound to attend what was technically called the 'service' of their Lordships' House, and there were numerous precedents where the House had compelled an attendance. It occurred in the Queen's case, where a fine of 100*l.* was inflicted. There were other cases in which Peers had been ordered to attend the service of the House, and where the second vote was that they be committed to the Tower for the non-payment of the fines. The noble Lord knew that he was to be appointed to this Committee, and although he would be the last person who would wish to inflict a hardship, by his absence did inflict it to-day. He was not perhaps aware, that by the Standing Orders of 1827 no business could be proceeded with unless there was a full Committee, or he would not have put the parties to expense by his non-attendance.

Lord *Campbell* had lately had occasion to search the Journals of their Lordships' House, and had found innumerable instances of the House having compelled the attendance of Peers, both for the service of the House and in Committees, by fine, and subsequently sent them to the Tower for the non-payment of the fine. It also appeared, that until the end of the seventeenth century all Peers were compelled to attend, not only in their places when the roll was called, but they were not allowed to leave the House until the House adjourned. Their Lordships might perhaps think that the appearance of the House sometimes, between seven and eight o'clock, might render it necessary to recur to the same strictness of discipline. He found that during a debate in the reign of Charles I. a right rev. Prelate applied for leave to quit the House before the debate was finished, and it was with considerable difficulty that the leave was granted. He rejoiced that the Motion had been made, because he was quite certain that their Lordships would cheerfully perform the duties which were imposed upon them.

The Duke of *Wellington* was quite sure that it would be unnecessary to enforce the attendance of their Lordships by a recourse to any measures which had been mentioned. He had not the slightest doubt that the noble Lord (Lord Gardner) had inadvertently failed to attend this morning.

The Marquess of *Clanricarde* thought that their Lordships should consider what course ought to be pursued, not only with reference to the present case, but in other similar cases. The great mass of legislative business before the House peremptorily required that every Peer should be punctual in his attendance to discharge the business of the House. It might be very well to say that they were prepared to do their duty; but they should recollect that they had not only a duty cast upon them, but an immense responsibility. It was fit for them, therefore, to consider whether they should not compel a full attendance of Peers on the Committees, if they wished to get through all those Bills which were under the consideration of the House of Commons.

Lord *Brougham* was about to move, when this discussion arose, for the appointment of a Select Committee to communicate with the Committee of the House of Commons, relative to the great mass of legislation that was now before that House, for it was utterly impossible, even if every Peer should attend every day, to go through all the hundreds of Bills that would be brought before them.

The Marquess of *Clanricarde* said, that the judicial Peers must be absolved from attending on the Committees, and the

noble Lords who had property on the different lines of railway under discussion must also absent themselves.

The Motion was then carried.

Then it was Ordered, That Alan Legge, Lord Gardner, do attend in his place in this House, on Thursday next, at five o'clock, to state to the House the reasons for his not attending the said Committee.

The Earl of *Chichester* presented a Report from the Committee appointed to investigate the Aberdeen Railway Bill, that the Earl of Ormonde, a Member of the Committee, had failed to attend that morning.

The Earl of *Ormonde* said, that being out of town, he received the notice too late to attend the said Committee.

COURTS OF COMMON LAW PROCESS BILLS —(ENGLAND, IRELAND, AND SCOTLAND).] Lord *Campbell* said, that at the earnest request of those for whose opinions he had the most sincere respect, he begged to lay upon the Table of the House three Bills relative to the Common Law Courts Process, from which he trusted the public would still derive very great benefit. If he were to consider his own ease and comfort only he should wash his hands of these Bills; but he felt that in the discharge of his public duty he was bound to bring them forward for the consideration of the House, because, from what he believed was a mere misapprehension, the public were in danger of losing the benefit that would be derived from them. When the subject was last before their Lordships, the name of a very hon. and respected Gentleman, a friend of his (Mr. Serjeant Murphy), was mentioned, and he was sure their Lordships would bear in mind that he said nothing of that learned Serjeant that could be at all considered offensive to him; but that on the contrary he spoke in high terms of approbation; and had the learned Gentleman been present, he would have been aware that what fell from his two noble and learned Friends on his right and left was perfectly good humoured, and ought not to have given him the slightest uneasiness. They all entertained the highest opinion of him, except that perhaps some thought that learning could not be combined with exquisite humour. They were told by Pope that there were some dull Serjeants—

"Who shook their head at Murray and at wit,"

but Murray subsequently became the Chief Justice of the Court of Queen's Bench, and was one of the most illustrious Judges that ever adorned the Bench of England, and he had no doubt that his learned Friend, Mr. Serjeant Murphy, was destined to obtain honourable distinction.

The *Lord Chancellor* said, he owed some apology to Mr. Serjeant Murphy for the terms he had used when saying that the Bills were sacrificed to a joke. He was not aware at the time that his noble and learned Friend Lord Campbell had told the learned Serjeant that he did not wish him individually to proceed with the Bills. If the learned Gentleman had been at the Bar of the House during the discussion, he would have known that his observations were made with the most perfect good humour.

Bills severally read 1ª.

MADEIRA.] The Marquess of *Breadalbane* brought forward the Motion of which he had given notice, respecting religious persecution in the island of Madeira. It appeared that a medical gentleman, long resident there, a Dr. Callé, a Scotchman and a Presbyterian, had been, although a man of very moderate views, subjected to persecution by the authorities in that island, on account of his religious opinions, and for having acted in accordance with his religious belief. Now, by the Constitution, the constitutional law of Portugal, secured by Treaty, toleration was permitted to strangers, so long as the Roman Catholic religion was respected. By the Treaty of 1842, concluded between Her Most Faithful Majesty and the Queen of Great Britain, the free exercise of religion was guaranteed to all British subjects residing within the dominions of the former. Dr. Callé was in the habit of having divine service at his house, where many parties who entertained the same belief usually attended. The first aggression against Dr. Callé consisted in his receiving a command from the civil Governor of Madeira, dated 16th March, 1843, to abstain from having any meeting of Portuguese subjects in his house, and from speaking to them on religious concerns, either in his house or out of it. Dr. Callé asked the Governor by what authority he gave him this order; but received no answer, except by a proclamation being published, threat-

ening him as a disturber of the public peace, as well as all who went to his house. Police officers were appointed to attend at the doors of his dwelling-house to insult his friends as they went out; and he was himself most grossly insulted, and threatened with being stoned in the streets. Dr. Callé, notwithstanding, continued the meetings at his house; but the police officers, in the presence of many British subjects who witnessed their proceedings, prevented patients and persons who came to him for medicine from entering his house. He was cited before the assistant British Judge Poello, who, on the 23rd March, 1843, pronounced the charges of heresy and profanity brought against him to be invalid, regard being had to the Treaty of 1842, and that other means than legal proceedings must be resorted to in order to induce him to desist. On the 5th July, this decision was allowed by the Juiz Ordinario Machado; but on the 11th July, he pronounced Dr. Callé guilty of heresy and blasphemy, according to the old Portuguese laws of 1646 and 1769, made in the days of the Inquisition. The British Consul in the island of Madeira being appealed to, answered that the law must have its course, showing thereby, as he (the Marquess of Breadalbane) could not help thinking, a blameable indifference to gross injustice and persecution exercised upon a British subject, who had been guilty of no violation of the law. Dr. Callé appealed without success—first, to the Judge of Rights and British Conservator, then to the superior courts of Lisbon, and was for five months confined as a criminal. He was ultimately liberated, but the system of annoyance against himself and his friends was continued; and last year a woman, who was the mother of seven children, was sentenced to death for adopting Protestant opinions, and twenty-one inhabitants of the island were seized and their houses pillaged. He need not dwell on the great importance of preserving religious liberty in an island to which so many British subjects resorted for the purpose of health, commerce, or amusement. The Treaty secured to British subjects the liberty of celebrating Protestant worship in their own houses; and was it to be said that it was a crime in the British subject if Portuguese subjects entered his house and listened to it? The noble Marquess then referred to, and quoted from the Memorial of the British residents of Madeira, addressed to the Earl of Aberdeen, in which the question was fully set forth. He asked what object the Treaty was to serve, if it was not to guarantee the right of Protestant subjects of Britain, resident in the dominions of Portugal, to worship in their own dwelling houses? He should like to hear from his noble Friend what exposition he gave to the provisions of the Treaty, what rights of toleration or liberty of conscience British subjects possessed in the island of Madeira, after this gross infringement of them, and what course he meant to take as to those proceedings of the Portuguese Government against a British subject?

The Earl of *Aberdeen* said, he would endeavour to give his noble Friend a very short answer to the long Address he had made to their Lordships upon the subject; for although his noble Friend had read the Article of the Treaty with Portugal twice, he would have done well to have read it once more, in order to have understood it thoroughly. Clearly the object of the Article in the Portuguese Treaty was, that it should be protective of the rights of British subjects in the exercise of their religion; it was not aggressive, and gave them no facilities for proselytising the Catholic subjects of Portugal. Dr. Callé was a gentleman who belonged to what was called the Free Church of Scotland, and possibly that gentleman's notion of what might be called a moderate performance of ministerial duties, somewhat exceeded that which their Lordships would consider to be a moderate exercise of that function; and certainly in performing his ministrations in that island, he strongly suspected, from what he had seen respecting the language and missionary proceedings of his fellow labourers in this country, that his language was not always respectful towards the Roman Catholic religion. He had yet to learn that the Government of Portugal was, by the toleration offered to British subjects in the Portuguese dominions, bound to permit either an injurious attack on the religion of the State, or the proselytising of Her subjects. If Dr. Callé wished to preach to his Protestant countrymen of any denomination, there would not be the least difficulty or objection to his doing so. But that gentleman had opened an hospital—being, he had no doubt, a very benevolent man, and he supposed also wealthy, for he

practised gratuitously—at least as far as the reception of Portuguese patients; and in religious matters also, not content with preaching to his own countrymen, he preached in the Portuguese language, thereby showing, however much the natives of Madeira might profit by those predications, that certainly his own countrymen would not be much the better for them. Dr. Callé was very zealous, and very successful too; for he had succeeded in converting very considerable numbers of the inhabitants of Madeira, and it became an object with the Portuguese Government to put a stop to those proceedings, from interfering with which he must maintain that the Treaty did not in the slightest degree prevent them. Although his noble Friend had read the Article of the last Treaty, which he would not repeat, yet he thought it would throw some light on the subject, if he were to read a few words of the preceding Treaty of 1810, which was conceived exactly in the same spirit, although more plainly expressed as to what was the real object and meaning of the privileges mutually granted. By this it was stipulated that—

"British subjects resident in the Portuguese dominions shall not be disturbed, troubled, prosecuted, or annoyed on account of their religion; but shall have perfect liberty of conscience therein, and leave to attend and celebrate divine service, either in their own private houses, or in their own particular churches and chapels, provided they were built in such a manner as externally to resemble the private dwellings; and also that the use of bells was not permitted therein."

The same provision was contained in the Treaty of 1842, but in language clearly showing that it was only a permission for the free exercise of their religion. That condition existed, and had never been interfered with; and there was not the least attempt on the part of the Portuguese Government to interfere with the free exercise of the Protestant worship among Protestants. The question of proselytising was quite another matter; it was quite a distinct question, whether British subjects were injured by being precluded from interfering with the religious opinions of their neighbours. He could not maintain any opinion of that sort. At all events, in a matter of this description, the principle of reciprocity might fairly be required. Their Lordships might recollect that it was only last year we had repealed a number of barbarous, absurd, and arbitrary Statutes still in force against the Roman Catholics in this country. He happened that morning to have been looking over the First Report of Her Majesty's Commissioners on the state of the Criminal Law, and he saw there a recommendation which applied perfectly to the case of Dr. Callé, and his efforts for conversion. They said—

"With respect to the provision of the Irish Act, 2 Queen Anne, c. 6, above set forth, making it penal to convert Protestants to the Roman Catholic religion, we are of opinion that it ought to be repealed, as the belief of Protestants in the truth of their religion does not require to be upheld by such a penal enactment, and also by the penalties of *præmunire*."

He thought a Portuguese subject, seeing this Act on the Statute Book, would have as good a claim to require reciprocity from us by its repeal, as his noble Friend thought he had a right to claim the freedom required for Dr. Callé. His noble Friend had mentioned—he must say not quite candidly—the case of one of Dr. Callé's votaries, who was condemned to death for blasphemy and heresy, leaving their Lordships to understand that this poor woman was in danger of being put to death, if not actually executed. He thought their Lordships would be surprised to learn that the penalty this person had undergone was a fine of 30*s.* and three months' imprisonment—[The Marquess of *Breadalbane:* Fifteen months.] She only suffered three months' imprisonment. Even that might be too severe a penalty; but his noble Friend should have explained what was the real penalty incurred. He could assure their Lordships that capital punishments were as little inflicted for such offences in Portugal as in England. No person had been put to death in Portugal on religious grounds—certainly not for a century; and the Inquisition, from the time of Pombal, had had no existence. With respect to this case, the person in question was a Portuguese subject; but although she was not a subject of England, when he (the Earl of Aberdeen) had heard of it, he wrote to Her Majesty's Minister at Lisbon to take all the means in his power to represent unofficially, but earnestly, to the Portuguese Government, the horrible consequences of any such sentence being inflicted for the offence alleged; but he

had received the explanation he had already given to the House. As far as the privileges of British subjects under the Treaty were concerned, they were intact, and their Lordships might depend upon it, would be asserted and maintained; but there was not the least reason to suppose that the Portuguese Government intended interfering with them. With respect to another part of this case, he admitted that though Dr. Callé might be subject to Portuguese law, they were bound to proceed against him according to law; and no doubt the early proceedings in his case were arbitrary, contrary to law; and pronounced by the superior tribunals of Lisbon to be so. So far there was a case for redress, and he would explain to their Lordships what redress had been obtained. In consequence of those irregular proceedings of the authorities of Madeira, he did think it proper to make an estimate of the losses Dr. Callé might probably have sustained, from the want of his professional employment during the time of his confinement, when bail was refused by the Judges, and also from the inconvenience he had sustained in such imprisonment, though he had suffered no further hardship than the mere confinement; for his treatment was admitted by himself to have been most kind and humane. Accordingly, after some consideration, a definite sum was fixed upon to demand from the Portuguese Government, and the amount proposed was assented to by them. Before payment of the sum could be made, Dr. Callé arrived in Lisbon; and finding, when there, that although these irregularities had been committed, yet, in reality, he had no case against a new prosecution, and wishing to return to Madeira, he proposed to Her Majesty's Minister to compromise the affair with the Portuguese Government, and to give up all demand for any compensation, if they would permit him to return to Madeira and resume his residence there; giving also a pledge that he would abstain from his system of preaching and proselytising, which had drawn down upon him the visitation of the authorities. The British Minister at Lisbon communicated that proposal to him, and he (the Earl of Aberdeen) thought the sooner the matter was arranged the better; and he therefore authorized the Minister at Lisbon to agree to it. Dr. Callé had returned to Madeira, he hoped not to resume his practice of preaching in the Portuguese language; but he dared to say that he would be very useful in the exercise of his profession. He could assure the noble Lord that religious liberty was as fully recognised in Portugal now as it ever was.

Lord *Brougham* had one doubt, on the noble Earl's explanation, which he dared to say that noble Lord would be able to clear up. He was not aware, if any person was prosecuted in this country and sentenced by due course of law to be imprisoned three months, that he could, on a Court of Error reversing that judgment (as was the case with some persons in Ireland last year) call on the Government to give compensation. If no such right existed in this country, he presumed it did not elsewhere.

Lord *Beaumont* wished to make an observation or two on the conversation which had just taken place. He must say, he regretted deeply the intolerant spirit which still prevailed in Portugal and some other countries; but he must say, that great exasperation was caused by the missionaries of the Bible Society, and another society for the Propagation of the Gospel in Foreign Countries. These societies had the command of enormous wealth, and employed men of great talent and zeal, for the purpose of proselytising the followers of another faith. This was well known abroad; and those persons so employed, if they fulfilled their duty, must never avoid an occasion of endeavouring to gain over persons attached to doctrines which they considered erroneous. We knew, by recent publications, that in Spain zealous and able men were traversing that country for the purpose of making converts. Those societies acted in direct opposition to the Treaties with foreign countries, which merely gave the teachers of heretical doctrines the power of administering spiritual instruction to persons of their own faith and country, but did not justify an interference with the natives. He must say he had himself heard, and from high authority, bitter complaints of the manner in which the missionaries had acted in various Catholic countries. As he said, he admitted the intolerant spirit that existed in Portugal; but the only way to qualify or remove it, was by removing from our Statute Books any vestige of intolerance. A beginning was made in this good work last year,

which he hoped would be followed up in the present.

The Bishop of *Salisbury* wished to correct an error into which the noble Lord (Lord Beaumont) had fallen. He stated that a feeling of irritation had been caused by the Bible Society and by the Society for the Propagation of the Gospel in Foreign Parts. It was no part of the machinery of the latter society to send missionaries into foreign countries. The object which it had in view was to send missionaries to our Colonies and Foreign Dependencies, and to heathen countries.

The Marquess of *Breadalbane* was satisfied the explanation of the noble Earl (the Earl of Aberdeen) would not give satisfaction to the religious public of this country. It was no answer to say, there were persecuting laws on our Statute Book. As to the Free Church of Scotland, he was satisfied the members of that Church would stand competition with those of any Established Church, both for sincerity of faith and liberality of sentiment. The case which he had brought forward involved a great public question, and had not been met in anything like a satisfactory manner.

The Earl of *Abeedeen* wished to explain as to the amount of compensation alluded to by the noble and learned Lord. The proceedings in this case were something more than a mere irregularity. There was an illegal imprisonment for five months, contrary to law, treaty, and justice; and although the individual alluded to was well treated, his confinement furnished a fair case for compensation, which would have been given, but for his own wish to compromise the matter.

Subject at an end.

TENANTS COMPENSATION (IRELAND) BILL—QUESTION.] The Marquess of *Salisbury* took the liberty of asking a question of the noble Lord the Secretary for the Colonies. He had understood, that the consenting to the second reading of the Tenants' Compensation Bill would not bind any noble Lord to assent to the compulsory clauses. He wished to ask if such was a correct understanding.

Lord *Stanley* said, he understood the question to be, whether by consenting to the second reading of the Bill his noble Friend was committed to the compulsory clauses. He had no hesitation in saying, that he did not consider any noble Lord to be so committed. He was quite prepared to say, that the only extent to which any noble Lord was committed by agreeing to the second reading was, that it was expedient to secure, by legislative enactment, to the tenants of Ireland compensation for such improvements of a permanent character, adding to the permanent value of the fee of the estate, as they should effect on the land, supposing they should be ejected therefrom before they had derived any return from the outlay. Whether the landlords should have the power of interposing a veto, and of preventing such improvements, was a question entirely open to the House to consider in Committee; and no noble Lord would be pledged by agreeing to the second reading of the Bill, but was at perfect liberty to reject the measure when before their Lordships.

The Marquess of *Salisbury* said, under these circumstances, he should not oppose the second reading.

The Marquess of *Londonderry:* Am I to understand there is to be a legislative interference between landlord and tenant?

The Marquess of *Clanricarde:* I should like to know what are the voluntary and what the compulsory clauses?

Lord *Stanley:* It was very difficult to answer so many questions put at the same time. He had endeavoured to state distinctly that no Peer would be pledged to the compulsory clauses of this Bill by assenting to the second reading: and what he understood his noble Friend to mean by compulsory clauses were those which gave the Commissioners in Dublin the power of directing certain improvements, even though the landlord should object to them.

TENANTS COMPENSATION (IRELAND) BILL.] Lord *Stanley* moved that the Bill be now read 2ª.

The Marquess of *Londonderry:* If the landlords had the same discretionary power as they enjoyed at present, he should not object to this Bill. But if a Commissioner in Dublin had the power of dictating what arrangements should take place, he should consider it a most prejudicial measure. This Bill had grown out of a Report which contained a mass of valuable information; but this Bill did not certainly confirm the principle laid down by the Commissioners, that the rights of property should be respected. He understood a measure of this description was first suggested by a

Member of the other House, a man of talent certainly, but one whose political opinions had undergone a variety of changes; for he was at first a supporter of the disturber-general of Ireland, and then a Federalist. He understood, however, that this gentleman was always a supporter of fixity of tenure; and, therefore, he concluded that he was in a great measure the author of this Bill. He much regretted the rapidity with which the Commissioners had been compelled to carry on their inquiries. He admitted that the noble Earl at the head of the Commission was a man of great talent; but when he understood that these Commissioners did not approve of the machinery of this Bill, then, as an Irishman, acquainted with the country, he claimed a right to be heard as to its provisions. It was no party question; it was a question concerning the welfare of the whole country. The Bill was introduced, he admitted, with the view of serving the agricultural interest in Ireland. But it should always be borne in mind, in legislating for Ireland, that a measure which was applicable to one part of the country was inapplicable to another. He not only opposed this Bill as not requisite in his part of the country, but he had the signatures of thirty-six Peers backing that opinion. Could he give their names, he was satisfied the noble Lord would not press the Bill in the face of such a remonstrance. It was true the Bill was introduced in a very eloquent speech; but that speech failed in carrying conviction to his mind that the machinery of this Bill was called for. There was one most extraordinary clause in the Bill, which not only gave the Commissioner the power of deciding differences between landlord and tenant, but enabled him to impose a fine of 20*l.* That was putting the landlord under the control of this junto. The landlord would thus be exposed to a vexatious surveillance, and the tenant, though expecting some relief from this measure, would only be seduced by it into the expenses of litigation. It might be said, "This law does not apply to your estate, for tenant-right prevails there." But he might say to his tenants, "If you choose to take advantage of this enactment, you must give up that tenant-right under which you have been contented and happy." The tenant-right was interpreted in this way, that when the tenant and his descendant conduct themselves properly and pay their rents, they shall never be disturbed. This produces a confidence which stimulates industry, and the farm became the bank where the tenant invested all his savings. The sale of the interest of the tenant on the farm was a guarantee that the fruits of his labour should never be taken away from himself or his family. If their Lordships consulted the blue books on this Table, they would see what extraordinary improvements were effected on those estates where the tenant-right existed. It was a mistake to suppose that compensation was what was required. What the tenants wanted was security for their tenure. But, then, a mistaken notion had got abroad as to that security. Tenant-right and fixity of tenure were very different things. The latter system established in favour of the tenant a proprietary right, and was a violation of the principle of ownership of land. Fixity of tenure, in short, was a system as mischievous, as tenant-right—properly understood and under proper limitations, it would be beneficial. At present, however, the spirit of improvement was so active in Ireland, that he thought things would go better if left to themselves, than were they to attempt to force measures like the present, in opposition to the decided feeling of everybody connected with Ireland. He believed that the Bill was disapproved of by all the noble Lords connected with Ireland, who had expressed an opinion on the subject; it was disapproved of by an individual in another place who was supposed to represent the feeling of a majority of the Roman Catholics of Ireland; it was disap proved of by Mr. Sharman Crawford, who formerly submitted a measure on this subject to the other House of Parliament; and yet the noble Lord (Lord Stanley) persisted in pressing it, and had expressed his anxiety that it might pass a second reading that night. He must say that he regarded the principle of this Bill as obnoxious in the highest degree; and he thought their Lordships ought, if possible, to stop it *in limine*. He held in his hand a protest or remonstrance against the Bill signed by thirty-six Peers, having property in Ireland; a document which, as it embodied the feelings of so important a body, he would read to the House. It stated that—

"We the undersigned Peers, connected by property with Ireland, having given our best consideration to the Tenant Compensation

Bill now introduced into Parliament, whilst we admit to the fullest extent the principle that the tenant is justly entitled to receive from his landlord compensation for all capital expended in *bonâ fide* improvement made in accordance with the consent of his landlord, are of opinion that the tendency of this measure is so destructive to the rights of property, and likely to be so injurious in its operation, should it be found practicable, that we hope Her Majesty's Government will not persevere in it."

This was the opinion of thirty-six Peers, Members of their Lordships' House. As for himself he would only add, that he would never consent to allow any appeal by tenants from their landlords to a Commissioner sitting in Dublin.

The Earl of *Gosford* recommended the Government to withdraw the present Bill, and to introduce a new Bill without the clauses objected to in the present one.

Lord *Stanley* said, that he was content that the Bill should have the fullest consideration in the Select Committee, both as to its principle and details. Before that tribunal both could be fully discussed and canvassed; but he was not prepared to say—he was not so satisfied of the justice of the objections urged against the measure, as to be prepared to say—that he was ready to withdraw it. On the contrary, he was prepared to defend the Bill as it stood, and it would be with the greatest reluctance that he would see their Lordships reject the second reading of a measure going upon the principle of securing compensation to tenants for improvements, by which they added to the value of their Lordships' property. He had hoped, after what had fallen from his noble Friend, that any lengthened discussion might, for the present, be avoided. The question was before their Lordships, and if there were a general understanding, founded on the statement which had been made, and the Bill were allowed to go to the Committee without further discussion, they would be more able to consider the matter after the Select Committee had examined it, and made such alterations as they might think expedient before it was submitted to the final decision of the House.

The Earl of *Wicklow* said, that notwithstanding thirty-five or thirty-six noble Lords had signed a declaration condemnatory of the Bill, he must declare his conviction that the principle which it contained was a good and sound one, and that principle mainly consisted in making compensation for improvement compulsory. What was the origin of the Commission of his noble Friend (the Earl of Devon)? A Bill similar in principle to the present had been introduced into the other House by Mr. Sharman Crawford. It was withdrawn on the assurance that a Commission would be issued to inquire into the subject. That Commission was appointed, therefore, for the express purpose of investigating the matter, with a view to the adoption of the principle contained in the Bill in question. The present measure, however, he was happy to see, did not contain a provision which made part of Mr. Sharman Crawford's Bill. According to that measure, a tenant could make improvements on his farm without consulting the landlord about them, or obtaining his permission, and then he could come upon the landlord for compensation for the improvements thus effected. The present Bill, however, contained no such clause. It provided that a full inquiry should be made as to the necessity and propriety of the improvements before they were undertaken. This arrangement, he contended, was a much better one than that contained in the Bill to which he had alluded. Those who opposed this Bill objected, as he understood, to the machinery by which its object was sought to be attained, and not to that object itself. If a tenant was to be allowed to carry on improvements for which he could claim compensation, he thought it only fair that some previous inquiry should be made as to the necessity of such improvements. The question was whether the machinery of this Bill was or was not desirable? He approved of the machinery as well as the principle, and he believed that the appointment of the Local Commissioner of Improvements in Dublin was an improvement upon the suggestion of his noble Friend's Commission. It might be said that some of the Members of that Commission disapproved of this Bill; but he thought that, though they might object to its details, they could not disapprove of its principle. He was aware that it might be said, and had been said, that this Bill involved a violation of the rights of property. This he fully and entirely admitted. He allowed that in this country such a principle would not be tolerated; but, in the peculiar state of Ireland, some measure of this kind was

absolutely and indispensably necessary. Reports after reports had been laid upon their Lordships' Table confirmatory of the fact, that in Ireland, circumstanced as that country was, improvements in land could not be carried on. This state of affairs was produced by some causes which could not be removed by legislation, and by others which it was the province of legislation to remove. It was well known that the soil of Ireland was fertile in the extreme, and yet land which might yield fivefold its present produce was lying waste and uncultivated. Now, it might be asked what was the cause of such a state of things? In his opinion the cause was this—that neither landlords nor tenants were able to effect the necessary improvements; the landlords could not or would not undertake them, and the tenants were unable to do so. Was it not advisable, then, that, under such circumstances, the Legislature should step in to effect, with justice and fairness to both parties, that which was necessary for the welfare of the country? If this were admitted, the only question was, were the provisions of the Bill now under consideration founded on principles of justice and fairness towards the landlord and the tenant? In his opinion, the great and fundamental principles of this Bill were just and fair, although it might contain some provisions which in Committee it might be deemed advisable to alter and amend. If, however, the Bill was referred to a Select Committee with the object of altering what he considered one of its main principles, namely, the compulsory clauses, they would at once defeat the great object of the measure.

The Marquess of *Clanricarde* thought that the speech of the noble Earl was worthy of the Bill to which it related; for as the former exhibited a most original mode of dealing with property, so the latter was not a whit behind in the startling doctrines which it set forth. He had often been asked what was the precise object of the Commission of his noble Friend (the Earl of Devon). To that question, he never found himself in a situation very explicitly to reply. It now appeared, however, from what had fallen from the noble Earl, that the Commission was appointed and sent to Ireland because Mr. Sharman Crawford's Bill had miscarried, and it was expedient to find out some other mode of carrying out the principle of compulsory compensation to tenants.

The Earl of *Wicklow* observed, that he had said nothing but what the noble Marquess might read in the newspapers of the day.

The Marquess of *Clanricarde* said, that although he was in the habit of looking to newspapers for information of various kinds, he did not refer to them in order to ascertain the object of a Government measure, more particularly when, as in the present case, he was referred to the Commission itself as setting forth the objects for which the Commission was appointed. The Commission certainly stated that the inquiries of the Commissioners were to be directed to ascertaining whether existing laws might not be so altered as to encourage the cultivation of the soil, and to extend a better system of agriculture; but it did not contain a word as to any compensation to be afforded to tenants for improvements they might effect. He thought the noble Earl had very justly stated that if they struck out the compulsory clauses they would do away with the principle of the Bill. The principle of the Bill before them was to secure to the tenant compensation for improvements he might have executed on his farm; improvements whereof the owner in fee derived the permanent benefit. If such were the principle of the measure, it was one which stood in much need of practical improvement and application in England and in Scotland, as well as in Ireland, for they had often heard that amendments of the law of landlord and tenant in Great Britain were very desirable. He did not know whether or not such were the case, but he would say that the opposition of the people of Ireland to the present measure would be at once withdrawn if they only struck out of the Bill one clause—the 28th, the shortest of them all—providing that the provisions of the measure should extend only to Ireland. No such Bill would be entertained for a moment if proposed to be applied to this country; and were such an attempt to be made, he would like to hear the indignant eloquence with which the noble Duke on the cross benches (the Duke of Richmond) would oppose it. But what was there in the circumstances of Ireland to make it necessary to have recourse to "violation of the rights of property," as the noble Earl

termed it? What was it which made it advisable that in that country the rights of property should be violated? Was it thought that they were held too sacred there? Was it deemed that justice had been so strictly administered in Ireland, that it was expedient to relax its sway? Of all countries over which the Crown had sovereignty, Ireland was the one in which they should be most cautious of enacting any such law? What had of late years been the drift of their Irish legislation? Had it not been, as far as they could, to assimilate the laws of that country to those of Britain? And if they meant to preserve tranquillity—to support the Union—they must persevere steadily in that course of legislation. It was a mistake to suppose that the Bill was opposed only on the part of the landlords. It would be opposed also by the tenants, and justly so; because it was one which tended to lessen the feeling of good will which subsisted between the two classes. He reminded the House that the fact was notorious, that improvement was proceeding at present very rapidly in Ireland—to a greater extent, indeed, than ever had been the case before. There never was a moment when it was less necessary, and less expedient, to interfere between landlord and tenant, than at the present time. The spirit of improvement was abroad in both classes. The farmers were every day becoming more willing to be led in the path of advance by their landlords, and more ready to look upon suggested improvements in a proper light, and not as mere innovations upon old-established use and wont. It was not the state of the farmers which ought so much to occupy their attention, as that of the pauper population of Ireland. The Poor Laws had done nothing for that country; and, at this moment, the pressure of pauperism upon land was most severe—greater, indeed, than it had ever been before. He repeated, that he objected to the principle of the Bill. He could never agree to the appointment of a Government officer who was to be enabled to interfere in the most vexatious manner between landlord and tenant. The noble Earl concluded by moving, as an Amendment, that the Bill be read a second time this day six months.

The Amendment having been put,

The Earl of *Fortescue* said, much as he regretted to differ from so many noble Peers connected with Ireland, and from so many of those noble Lords with whom he usually acted, and whose opinions on such a subject were entitled to far more weight and authority than his, yet he should not do justice to the views he had long entertained of the defects of the law, and of the relations of landlord and tenant in Ireland, if he did not express his entire concurrence in the main principles of the Bill, and if he did not give it in the present stage—without, however, committing himself to the details of the measure—his cordial support. He fully admitted what had been stated by his noble Friend as to the great extent of the improvements now going on in Ireland, and he was disposed to think that the noble Earl opposite in some degree underrated the extent of the progress now making. The Report of the Land Commission spoke in the strongest terms on the subject. But he believed that, notwithstanding that improvement, the necessity for the present Bill existed in the peculiar circumstances of Ireland—circumstances differing entirely from those of this country, in respect of the relation of landlord and tenant. It was known to every one connected with land in England—and he believed the same observation was equally applicable to Scotland, though not being personally connected with it, he could not speak so positively of that country—that no landlord let a farm without providing suitable buildings, and seeing that the whole was generally put in good and tenantable repair; and the cases were rare indeed in which the whole expenses, especially as to the buildings, were not borne by the landlord. But in Ireland the direct contrary was the case. In that country—he spoke especially of those parts of it with which he had been personally acquainted—whatever improvements were made, whatever repairs were required in fences or drains, and whatever buildings were necessary to be erected, had to be done, if they were done at all, by the tenant, and at his expense—in some cases, certainly, with more or less assistance from the landlord; which assistance had, he understood, been increasing of late years, but which assistance had been, he believed, until a few years ago, the exception, and a very rare exception, and not the rule. He was, therefore, he thought, justified in saying that the circumstances of the two countries were not similar. Now, he thought if these expenses were to be borne by the tenant, encouragement should be given to him to make them, by insuring him compensation for the outlay, if the tenancy

were terminated before a fair return had been obtained. At present the tenant had no security that, if the property were sold or passed into other hands, advantage would not be taken of the improvements made by him to raise his rent to an unreasonable extent. The noble Earl opposite had referred to the Bill introduced by an hon. Member a year or two ago in the House of Commons, professing to have an object somewhat similar to that of the present Bill. He did not remember what occurred on the occasion of the introduction of that Bill; but taking his information from the usual sources as the noble Earl had done, he did understand that the Prime Minister of the Crown had held out a sort of promise that an inquiry should be instituted into the relations of landlord and tenant in Ireland, with the view of producing some means for affording, under certain limitations, the kind of compensation to tenants contemplated by Mr. Sharman Crawford in his Bill. That was what he understood to be the object of the Commission, and the principle of this Bill; and believing it to be a measure of justice to the tenant, and likely to conduce to the improvement of the country, he was prepared to give it his cordial support. He could not concur with the general condemnation of the Irish Poor Law that had been expressed on the other side—he believed the law had been of considerable advantage, and if it had not accomplished all that had been expected of it, still it had afforded relief to many; and though it had not superseded mendicancy, and given relief to all that required it, it had nevertheless materially lessened, in the aggregate, the misery and sufferings of the destitute poor. He thought that compulsory power should be retained; for though in cases where there was already a good understanding between landlord and tenant, the Bill would, no doubt, be a dead letter, without wishing to say anything harsh of the Irish landlords, it could not be denied that there were many, who, from want of means or other causes, were unable to give that assistance to their tenantry which they required. He conceived, too, that this Bill would do more than had ever been done hitherto for the relief of the labouring classes, inasmuch as it would give a great stimulus to employment in Ireland, by securing to the employer a fair return for the capital expended in improving the property he occupied. He looked upon the compulsory clause as a necessary and essential part of the Bill; so much so, indeed, that he should be almost inclined to withhold his support from the measure were that clause omitted. He hoped his noble Friend would not think it necessary to persist in his opposition.

The Duke of *Richmond* said, it would have been impossible for him to vote for the second reading of this Bill, had it not been stated to be the intention of the noble Lord (Lord Stanley) to refer it to a Committee up-stairs; and if he had not stated that the principle of the measure was to give compensation to the tenant for permanent improvements made by him, but the benefit of which he might not now enjoy, because the landlord had the power of ejecting him from his farm without such compensation. This was a principle which, in his opinion, ought to be carried out, not only in Ireland, but he hoped to see the day when it would be also carried out both in England and in Scotland. In many parts of this country, it was true, custom gave the tenant compensation for such improvements, when he was compelled, under such circumstances, to quit his farm, but that custom was not general; and he regretted, when the Government were applying this principle to Ireland, they had not undertaken to extend it also to England and to Scotland. He believed the principle of the measure was founded in strict justice, and was, in every respect, most expedient; and so far from setting the tenant against the landlord, it would tend to cement that union which they all believed to be essential to the interests of both, and to the interests also of the country at large. He thought their Lordships should pause before they determined upon rejecting such a Bill, brought forward on the authority of the Government, and with the avowed object of improving the condition of, and doing an act of justice to the tenants. The principle of the Bill, as he understood it, had his warmest support; and he trusted that the Government, while they were thus doing justice to Ireland, would not forget to do equal justice to England and Scotland. He could assure them that such a measure would be received by the landlords and farmers of those countries with gratitude and thanks; and though he did not believe that it would make them popular with the farmers—for he did not believe that anything would make them again popular with that class—it would be looked upon as a step in the right direction; and he regretted that Government had taken so many that had an opposite tendency.

Lord *Monteagle* remarked that though it could not be denied that a large portion of the population of Ireland was in a state of great destitution and suffering, yet on the whole there was an admirable system of improvement going on, and there might be even an accumulation of national wealth. But the question he had to ask himself with reference to the Bill now before the House was, whether it was calculated to remedy the mischiefs complained of? And he must say that some of the arguments which had been advanced in favour of reading the Bill a second time, and referring it to a Select Committee, presented to his mind insuperable obstacles against taking that course. The noble Earl opposite considered the compulsory part of the Bill most important; and the noble Earl near him (Earl Fortescue) looked upon that provision as the very essence of the Bill. Now, he (Lord Monteagle) regarded the compulsory principle as so fatal an interference with the rights of property, and so fatal a disturbance of the beneficial efforts now in operation in Ireland, that the mischiefs that must result from that principle would far more than counterbalance any good that could be expected from the measure. Then, if they consented to go into a Select Committee, they gave a great advantage to the supporters of the Bill; and he, for one, was not prepared to concede to them that advantage, especially when in supporting the second reading, they declared the compulsory principle to be so important a part of the measure that it would be valueless without it. He was not prepared to admit, either in regard to Ireland, England, or Scotland, such an interference with the rights of property as that compulsory principle would occasion. The noble Duke on the cross benches said, he wished to see the same principle applied both in England and in Scotland. Let it be so applied, and let the Government undertake to propose a Bill, founded upon the same principle upon which the noble Duke said he grounded his vote, applicable to other parts of the United Kingdom, and he (Lord Monteagle) would be ready to vote for it; but not till then. But his noble Friend opposite, who also supported the Bill, did not take the same ground; for he said the principle of the measure was not only generally inapplicable to the rights of property, but was a principle which would not be tolerated in this country; and he contended that it was a principle equally mischievous to the tenant as to the landlord. He, however, rested his opposition to the measure upon the arguments he was about to state—he spoke under the correction of the noble Earl who had presided over the Commission from whose Report this Bill had originated—if he mis-stated the facts. He had stated that there was a great spirit of improvement now afloat in Ireland. They were aware, and no one more than the noble Duke (the Duke of Richmond), that in respect to agricultural improvement in England, there had been of late years a great development not only of agricultural industry, but of scientific application of new principles, chemical and mechanical, and especially of new principles in reference to draining, not previously known. Now, of all countries to which the principles of improved drainage might be applied with the most immediate and certain benefit, that country was Ireland. He would undertake to show that the principle of agricultural improvement well defined for its successful prosecution, was now at work in Ireland, and also to show that the Government Bill, if it passed into a law, would impede and check their operation. Now, was there any one branch of agricultural improvement in which it was more necessary that it should be carried on on a large scale than drainage? They all knew that Ireland was divided into the smallest possible patches of land—by the courtesy of the country, called farms; but which in England, did they there exist, would require some new name wherewith to designate them. To carry on, therefore, drainage in Ireland properly and effectually, it must be carried on upon a larger scale than could be expected to originate from the occupiers of these small holdings; and care must be taken that in draining one farm the neighbouring land was not injured; but to consider it possible that any effectual system of draining would originate from the holders of twenty, ten, or even five acres of land, was the most consummate absurdity of which any man could be guilty. He would take the liberty of stating to their Lordships how improvement in this respect was then proceeding. It had been discovered that the land of Ireland contained resources of which formerly they were not aware. Experiments had been tried on particular estates under scientific direction, and the effect was not confined to those estates. He would state a case with which he was familiar. It was far from being an isolated one. He believed that on every well-managed estate, if not for

the sake of his tenantry, at least with a view to his own interest, the landlord employed a good scientific agriculturist, who was fixed upon not only for the benefit of the land in his own possession, but for that of the tenants around him. The landlord placed this person at the command of his tenants, and the drains were laid out, not only for the benefit of the particular farm, but with a view to the improvement of other farms. When the drainage was complete, the proprietor and the holder of the land contributed in a given established proportion to the expense. This was not the description of a single case; he could mention many Members of that House who were working with their tenants to effect that object.

Lord *Stanley:* This Bill will not interfere in such cases.

Lord *Monteagle:* Won't interfere with them? It will stop them altogether. This system of Act-of-Parliament improvement would put an end to all improvement. Act-of-Parliament improvement in this, resembled Act-of-Parliament improvement in morality, and Act-of-Parliament improvement in religion—it would defeat its own object. There were some things not susceptible of compulsion, and when they found these things going on in the right direction, Act-of-Parliament interference was likely to direct the energies of men from their exertion to the purposes of good, rather than to stimulate them to further exertion in the direction to which they wished them to go. With regard to the condition of the houses of the tenantry in Ireland, he must say, that he never looked at the houses of his own tenantry without regret and something like self-reproach at their condition; but then they were all improving, and all parties were doing their best, and doing it by a voluntary agreement between the landlord and tenant, by which the landlord furnished the necessary outlay of money, and the tenant the required outlay of labour. But if Parliament interfered, and a Goverment Commissioner was appointed to go from Dublin to all parts of the country, and say what house should be built, and what amount should be paid as compensation for improvements made by the tenant, so far from promoting a good understanding between them, the only result would be to foment differences, and to encourage litigation between them. Again, much had been said of central despotism; but never was there a despotism so complete, but at the same time so impracticable, as that which this Bill proposed to establish. Twenty millions of acres, subdivided into the smallest possible portions of land, were to be brought under the view of a single Commissioner, a fixture in Dublin, and the Sub-Commissioners appointed, not by the Government on their own responsibility, but nominated by him. If these persons were to be appointed, let the Government appoint them on their responsibility; if not, if they were to be appointed at the will of this one Commissioner, it was impossible that any satisfactory result could follow, or that the Bill could work with effect. It was true some of these objections might be remedied in Committee; but he should not act fairly if he consented to the Bill going to a Committee when he thought it was quite impossible that anything could be made of the Bill. He believed if they passed the second reading they would create expectations on the one hand, and excite fears on the other, which legislation would not afterwards be able to remove. Disappointment and injurious legislation had been the source of many calamities in Ireland. Its history was full of misery; and now, over-excited hopes, not accompanied by any gratification, would be the greatest of evil to any country, but most of all to Ireland; it would enable those disposed to do mischief to interfere in the relations between landlord and tenant—a subject of such great delicacy that they ought never to approach it without the certainty that they could succeed in their object, and that the object itself was a good one. He, then, said that if they would not disturb the relations between landlords and tenants—if they would not excite hopes which they might not be enabled to realize—they would not now, in the month of June, go on with a Bill which had for its principle this—that they could not rely upon the generous feelings of the Irish landlords—that they had no confidence in those landlords' knowledge of their own interests—but that a compulsory bill and a paid officer were requisite to improvement of the lands, and justice to the tenants of Ireland. He warned noble Lords against the mischief and danger of the course they were pursuing.

The Earl of *Devon* said, that if it were for one moment to be imagined that, in his anxiety to take part in this Bill, he was acting on the principle of an entire distrust of the Irish landlords, or on the belief that they were disposed to act harshly to their tenants, and therefore must be inter-

fered with by law, he should reluctantly appear as its supporter. Though he might look for great improvement from the great body of landlords in Ireland, and particularly of those who were present discussing this measure, yet he was equally aware, from facts that could not be disputed, that throughout a great part of Ireland improvements could not go on through any co-operation on the part of the landlords; and, therefore, that this measure was absolutely necessary. He admitted that, with the opinions his noble Friend (Lord Monteagle) had expressed, the open and the plain course was to vote against the second reading. He admitted that this was a Bill to secure remuneration to the tenant for the outlay of his own labour and capital on a farm, even though the landlord might not have consented to the improvements made on it. Objections of various kinds, he was aware, had been made to the Commission over which he had presided. It was singular that that Commission, composed of Irish landlords, should be said to take views entirely favourable to the tenants; and yet that it should be charged from others as taking evidence in favour of the landlords, and not paying any respect to the real interests of the tenants. Under charges like these, he felt perfectly easy; and he could truly say, that the greatest pains had been taken to collect the evidence impartially; and a very large body of unimpeachable testimony had been obtained, and was embodied in the Report laid before their Lordships. He could assure noble Lords that they were not aware of what was going on in parts of Ireland with which they were not connected. Now, one great object to be secured by this Bill, was that of bringing into employment the superabundant labour of the lower classes in Ireland. To the country and to that House it was important to know that for four or five months in every year, a great portion of the labouring classes of Ireland were utterly unemployed; and it was believed that if this Bill were passed into a law, there would spring up in Ireland the greatest possible desire for extending agricultural employment; and the employment of the labouring classes in Ireland, he would assure them, was not merely a matter of private interest, but it was one in which the safety and tranquillity of the State were intimately concerned. Their Lordships would bear in mind, that when they spoke of the "improvements" of farms in Ireland, they used a term which in England would be applied to things that would be considered as "indispensably necessary" to a farm. Bearing, then, this definition in mind, he denied that the object of the Bill was to interfere between landlords and tenants in the "improvements" of their farms. He was one who would be sorry to think that the Legislature pursued a measure which would give facilities to landlords, and yet when tenants were wishing to make "improvements," and a Bill was proposed to give them security for such improvements, that they would not pass such a measure for the benefit of the tenants. His four colleagues in the Commission were taken from the four provinces of Ireland; and if they were mistaken in their conclusions, then it must be from any other cause than the want of materials for forming a correct judgment. This measure which they sanctioned was analogous to that which had been proposed by Mr. Sharman Crawford, and had been preceded, in 1835, by a measure of Mr. Lynch and Mr. Wyse, than whom there did not exist two more zealous or more enlightened friends to Ireland. Objections had been made to such measures. Formerly it might be said they legislated upon theory; but this measure had been founded upon a mass of evidence taken before a Royal Commission, and had not been taken up upon fanciful or ill-conceived grounds. There had been examined by the Commission 303 witnesses; of these, 47 were landed proprietors, 47 agents, 128 farmers, and 81 not classed. Those included persons from all parts of the country. They were invariably asked what they conceived to be the best mode of encouraging the tenants to improve the land?—and in answer to that question, 55 of these witnesses considered that the right way to encourage tenants was to give them leases; and 146 gave their opinion to this effect, viz., that it was most important to secure to the tenants, on the expiration of their leases, or upon ejectment, a fair compensation for their outlay in labour and capital. The first witness who gave that opinion was Mr. Sharman Crawford himself, who was a resident, an excellent landlord, and a man of great practical experience. Almost all agreed that it was of the utmost importance that the tenants should feel that they were not to be turned out without compensation for what they had done; that was of great importance. Many of their Lordships might, perhaps, wish to confine compensation to those who had made the im-

provements in accordance only with the wishes of the landlord; but when the witnesses were asked if there were any cases of persons who, having made improvements, had been turned out without compensation, the answer was, that there were a few such cases, but that where one did exist, it was always fatal to further improvements in that part of the country. Without troubling the House at that time more with the evidence, he trusted that their Lordships would refer to it themselves before they came to any ultimate decision; for he did assure them that there was a very large volume of evidence to show the necessity for the interference of the law to provide compensation for the tenants, even in cases where the landlords did not desire, or did nothing themselves towards effecting those improvements. It had been objected that this Bill, more especially the compulsory clauses of it, gave an undue interference with the rights of property. In reply to that, he denied, in the first place, that the principle was at all a new one; and, in the second place, he would ask, what could the landlord suffer if he got his land from the tenant greatly improved, and had to pay only a fair sum for the capital expended upon it? His strong feeling was, that the measure, by creating a security in the minds of the tenants, had a tendency to secure property and the rights of the landlord. A right had for many years existed in many parts of Ireland, by which the tenant, without even the notice required in this Bill, could plant trees upon his farm, which trees he might take away when he left the farm, without giving the landlord any benefit from them; the landlord being, on the contrary, injured by the land being left encumbered with the stumps of the trees. But under the operation of this Bill, as now contemplated, the tenant would leave the land in an improved state, instead of encumbered and injured, as in the case he had just mentioned. It was objected, also, that if the landlord were displeased with the improvements sought to be effected by the tenant, he might serve the tenant with notice to quit, the tenant being a tenant at will. That might be so; but was that a ground upon which any of their Lordships would be likely to rest their objections to this measure? If there were cases in which landlords would so act, it was much better so to act than to allow the tenant to go on making improvements, and then turn him out after having made them. Another objection made surprised him. It was said that this Bill, most injurious and objectionable as it was as regarded landlords, was still more objectionable as regarded tenants. The noble Lord (Lord Monteagle) admitted the necessity for large and extensive drainage, and said that the contemplated improvements in drainage could not be executed except on a large scale, being paid for from the pockets of the landlords. In many cases that might be so; but there were hundreds of thousands of acres held by tenants holding a few fields, which might be drained with advantage, by the tenants applying to their fields the system of what he might call surface or agricultural drainage, in contradistinction to that contemplated by the noble Lord; and that was precisely the species of improvement which tenants of small capital might effect. The Bill did not, as had been generally alleged, interfere with any contracts that existed between landlords and tenants, or with those which they might in future make. If it was found to be otherwise, it might easily be altered to that effect in the Committee. He thought, however, that it would be found as he had stated. The measure was intended to encourage contracts between landlords and tenants; and he (the Earl of Devon) could not insist too much upon the importance of giving such encouragement. He should, indeed, be extremely glad to see some provision introduced into the Bill for the purpose of instituting a registry of such contracts, with a view to their better enforcement. What would be the situation of the Irish landlord under the present measure? That class would be under compulsion to do that which the English landlords did voluntarily and of ther own accord, namely, make a fair and equitable compensation to their tenants for improvements on their land. If the avowed and prominent principle of the Bill was acceded to by their Lordships, the machinery by which that principle was to be carried into effect could be very easily settled in the Committee to which it was proposed to refer the measure, should it pass the second reading.

Lord *Carew* objected to that part of the Bill which referred the tenant to a Commissioner in Dublin when he contemplated an improvement, with whose sanction he might affect that improvement, even against the will and inclination of his landlord. The noble Lord was understood to say, that he thought it but right that the tenant should receive a fair re-

muneration for such real improvements as were effected by him.

The Earl of *Essex* said, that if a pledge were not given that the compulsory clause should be withdrawn, he would vote against the second reading of the Bill.

The Marquess of *Salisbury* said, that although he did not approve of all parts of the Bill, he intended to vote for the second reading, reserving to himself the power of voting in Committee against any parts of it which might seem to him objectionable. His opinion originally was, that the compulsory clause, though of an important character, was not so objectionable as to induce him to vote against the second reading of the Bill, as he thought it might be modified in the Committee. But the language of noble Lords, and the tone of the debate generally, had changed this opinion, more particularly since his noble Friend near him (the Earl of Wicklow) had declared that the Bill was nothing without the compulsory clause. He had heard no arguments which in the least justified so great a violation of the rights of property as the Bill proposed to effect. He was unwilling to crush the Bill at the second reading; and if the noble Lord the Secretary for the Colonies would put the question on the ground that the Bill was worth something without the compulsory clause, he expected, from his known candour, the noble Lord would say so at once. But if he considered that the compulsory clause was an essential part of it, then, although he was very reluctant to do so, he was willing to go into the Committee upon it, and to discuss the point there.

The Earl of *Roden* could not agree to a measure which was to interpose a Government officer between him and his property. As one of the landlords of Ireland, who were prepared to do their duty, he could not consent to the second reading of a Bill which would go to put an impediment between him and his tenantry in doing for them what he might conceive, and what they might think, to be best for the mutual interests of landlord and tenant. To look to the interests of his tenants was a duty which he owed to them; and they would, he was sure, much rather look to him for the proper management of his own property, and of those lands which they held of him, than to any Government officer. It was his intention to oppose the second reading of this Bill.

The Marquess of *Normanby* had anticipated from the beginning, that many inconvenient consequences would arise from the Commission, at the head of which was the noble Earl opposite (the Earl of Devon), because he was well aware that many exaggerated expectations would be excited as to the result of that Commission; and the result had been as he had foreseen. These expectations were very different indeed from the result, if they were to measure that result by the Bill now under consideration. One great convenience which was expected from the Commission by its promoters was, that under it those specific subjects upon which it might be thought desirable afterwards to legislate, would be so arranged and methodized, that when that House and the other House of Parliament were called upon so to legislate, a great many difficulties would be removed which otherwise might obstruct them. He would call their Lordships' attention to the result, if that were to be measured by the Bill now before them. The noble Earl himself, with the exception of the compulsory clause, upon which he (the Marquess of Normanby) would pronounce no decided opinion at present—the noble Earl himself seemed to doubt whether this Bill was the best measure that could be devised; his doubts as to the Government officer were quite obvious. He thought that, considering the state of the Session, and the impossibility of the measure coming from a Committee in time to pass into a law this Session, the Government ought to take upon themselves the responsibility of any temporary disappointment that might be felt from its not being proceeded with at present. Those noble Lords who must be looked to in that House for advice upon such subjects, were of all shades of opinion, and all assured the House of the impracticability of passing the measure this Session. If his noble Friend the Secretary for the Colonies could state to the House that he felt there was any probability that the result of a Select Committee would be that the measure might be carried this Session, he should be sorry to take so strong a step as voting decidedly against the second reading. The state of Ireland, as regarded the relation between landlord and tenant, was very different from that of this country. He could not shut his eyes to the effect of that system in that country; but he said this without imputing blame to any one, for the result of his experience was, that ample justice should be done to the merits of a very

large number of the Irish landlords. During his administration in Ireland, he had found many landlords, of all persuasions, ready to make personal sacrifices to counteract the effects of the system under which they held, beyond what would be required from their brother landlords in this country. The whole system, however, was so different, that he felt the necessity of establishing a better system of protection to the tenant for improvement; and to that part of the Bill he gave his most unqualified approbation. If his noble Friend could assure the House that it was likely the Bill might pass this Session, he should be inclined not to withhold his assent from the second reading; but he begged him to consider the danger of prolonging expectation which might end in disappointment. Ireland had not been neglected this Session—a good deal of business connected with that part of the Empire had occupied the attention of Parliament—and he suggested to his noble Friend the consideration whether he might not postpone this measure to another Session, when it might be accompanied by some of those other measures to which the noble Earl had referred.

Lord *Campbell* said, that any law which would secure compensation to the tenant for his improvements must be a just law, and deserving of support. But he must look for the principle of this Bill in the Bill itself; and when he looked at its enactments, he found that the Government officer was the principle of the Bill. Anything that would give effect to agreements between landlord and tenant, he should think highly commendable; but the principle of this Bill was to give to a tenant power, with the concurrence of a Government officer, to make alterations in the land which he held, whether the landlord liked it or not, and whether they were advantageous or prejudicial to his estate. Such a violation of the rights of property, instead of facilitating the agreements between landlord and tenant, which the noble Earl considered so desirable, would very greatly discourage them, and would promote dissensions and disputes between the parties. Where there was a lease, the solemn contract between man and man would be interfered with; and in the case of tenancies at will (for which the Bill was chiefly meant), it would have no operation, and would not be needed, except where the landlord and tenant disagreed about improvements; and then it would put an end to the tenancy. By law, the raising of rent was an eviction; and the result would be, that the rent could not be raised during the whole period contemplated by the proposed arrangement without the crisis being brought on, and the landlord being immediately liable to pay for the improvements. He gave the Commissioners the highest credit for their labours to suggest a useful measure; but, not approving of the manner in which they sought to effect that object, he could not vote for the second reading of the Bill.

Lord *Stanley* said, he could perfectly understand that the noble Marquess (the Marquess of Londonderry) and the noble Earl (the Earl of Roden), conscious of the good management of their own estates in Ireland, conscious of the footing upon which they (like many other noble Lords) and their tenants stood, should feel it a sort of imputation upon themselves and their co-landlords there that a Bill of this kind should be introduced: he could understand the natural feeling of repugnance which led them to object to legislation of such a description. But the noble Duke on the cross benches had stated, that he so entirely approved of the principle of granting compensation to tenants for improvements of which they had not derived the full benefit during their occupancy, that he should be glad to see it extended to England and to Scotland. Now, if these noble Lords were not the exceptions, but the rule, in Ireland, he (Lord Stanley) should not be prepared to submit such a measure as this; and if the cases in which compensation was not awarded, through the good feeling of the landlord or the custom of the country, in England and in Scotland, were not the exception, but the rule, then there would be ground for extending this Bill to England and Scotland. But although he admitted the expediency of legislating, as far as possible, upon the same principles for Ireland as for England and Scotland, yet, because the circumstances of Ireland as regarded the relations between landlord and tenant were so widely different from those which obtained here, that he felt the Government were justified in applying principles of legislation to Ireland which they were not called upon to introduce in the other portions of the Empire, where it was not called for by the necessity of the case. The principle that the tenant should receive compensation for permanent improvements, was pretty generally admitted. He had hardly heard a single

objection to that principle; and yet, practically, exceptions were taken, not to the machinery by which the Bill sought to effect that object, but to the principle upon which the Bill was founded—the principle of enabling tenants to have such legal compensation. His noble Friend at the Table (Lord Monteagle) had said, that this Bill would interfere not only with good and kindly feelings at present existing between landlord and tenant, but with great improvements which were now going on in that country; but he did not think his noble Friend's arguments bore out that assertion. This Bill would not apply to those cases in which the landlord and tenant were on good terms. Where the estate was well managed, where there was abundance of capital on the part of the landlord, and abundance of confidence on the part of the tenant, and where the latter had effectual security, either in the duration of his lease or otherwise, for compensation for his improvements, this Bill would not be called for—would not apply—and, he frankly admitted, would be a dead letter and a nullity. But was it the fact that, in the majority of cases in Ireland, the landlord had abundance of capital, or that the tenant possessed the security of a lease? Was it not the fact, on the contrary, that a great portion of the land of Ireland was held by tenants at will of encumbered proprietors, who had no capability, not only on account of their own encumbrances, but also on account of the strict manner in which they were tied up by settlements, of making improvements; and was it not, consequently, expected that if any improvements were to be made—if any building, fencing, or draining was to be done, it must be done by the occupying tenant, even though holding as tenant at will? To that state of things this Bill did apply; and if that was a correct picture of the general state of the land in Ireland, he asked was it not necessary—he did not say desirable—to give the tenant upon the land so circumstanced, if he laid out his capital in effecting improvements, security that he should receive some compensation for his outlay? How, otherwise, could it be expected that they would lay out their capital? Could it be denied that upon a vast space of the surface of Ireland there was immense room for improvement to be effected by labour, and that there was a vast amount of superabundant labour seeking for and desirous of employment; but the employment of which was checked because there was no certainty of a return for the laying out of capital? In England, the right was secured not only by law, but by the custom of the country, which was equivalent to law: that right was capable of being pleaded in a court of law, and compensation was awarded for improvements, made not only with the consent of the landlord, but if made without asking his leave for a single one of them. That custom, which had the force of law in England, applied to various improvements and outlays of a very limited duration. In certain parts of the country, the tenant was entitled to compensation for using bone-dust as manure, though that might not produce an effect upon more than two or three crops. Notwithstanding that, however, and even though the landlord should not have sanctioned the expenditure, he would be compellable, by the custom of the country, to make compensation. Take another case of a more exclusive character—that of drainage. In a great part of the south of England, where there were large quantities of copse wood and faggot wood, nothing was more common than to drain with that faggot wood. The tenant, even the tenant at will, never asked the opinion of his landlord whether he should drain a particular field: he drained it. The work might last twelve, fifteen, or twenty years; but it was not permanent, though durable. And yet, without asking leave of the landlord, the tenant being a tenant at will, and being ejected by his landlord, would summon him for compensation, and the custom of the country would compel him to pay the tenant. But that was neither the law nor the custom in Ireland; and he asked their Lordships to apply that by law in Ireland, which by custom had the force of law in England. And what were the apprehensions that were conjured up respecting this Bill? They were, that the Irish occupying tenant of a small farm would, at his own expense, incur a fearfully alarming outlay of money on the property of his landlord. He thought these apprehensions most unfounded. A tenant might expend his capital improvidently, unadvisedly, or wastefully; but however improvidently or unskilfully he employed it in England, he was secure of compensation. He said that the tenant in Ireland ought to have compensation, even when the landlord did not consent to his improvements, as was the custom in this country.

Lord *Beaumont* interposed, and observed, that the away-going tenant had a right to

plead the custom of the country to have the case referred to arbitration as to what amount the landlord should pay him. With regard to drainage, it would apply to the labour of two years only; and with respect to bone-dust manure, only to the previous year.

Lord *Stanley* said, he did not wish to push the argument further than it could stand. All he meant to argue was, that in England the custom of the country with the force of law gave the tenant compensation for certain improvements of the landlord's land.

The Earl of *Essex* remarked, that the landlord had it in his power to object to the demand; but if he did not object, that would imply assent.

Lord *Stanley* resumed: He was merely urging upon their Lordships to apply the same principle to Ireland by law which was recognised in England by custom. But the tenant in Ireland was not left absolutely to apply his capital or his labour in improvements, at his own discretion. He was bound by the Act to obtain from the Government officer—whom a noble and learned Lord had most erroneously called "the principle of the Bill"—a form of application, and according to that form to give notice to his landlord of his intention to make particular improvements. This proposal he was compelled to submit to his landlord, and it would be the duty of the Government Commissioner, for the greater security of the landlord, to see that notice of the intended improvements was duly served. A period was then to be given to the landlord to object; and it would be a question, which he admitted to be fairly an open question, whether the landlord should have the power, at that stage, to put a veto on the further proceeding. He himself did not think that in the present state of Ireland it would be wise to give the power of an absolute veto; but, on the other hand, he did not go the length of some noble Lords in maintaining that the compulsory clause was the only valuable part of the Bill, and that without it the measure would be useless. He frankly admitted that he thought its omission would damage the Bill; but, even without it, he considered that the measure would be an important improvement of the law. It had been said, on both sides of the House, that it was desirable to afford facilities for voluntary agreements between landlords and tenants; and one noble Lord had pointed out the expediency of means being taken for registering such voluntary agreements. The Bill, as it stood, did provide means for making and for registering such agreements. The proposal of the tenant and the assent of the landlord, if he did assent, would go up to the office in Dublin, where a register would be kept of the proposed improvements—the estimate for their formation, and the time within which they were proposed to be executed. There would also be a register of the previous expenditure on the same property under the Act, so as to furnish a ground for calculation whether the land was capable of bearing a further change. So far from the Government officer being the principle of the Bill, he declared that if any noble Lord could suggest any more advantageous, any more inexpensive, any more easy or impartial tribunal, to which reference could be made; to that part of the Bill he did not attach the slightest importance, beyond the convenience of having one general office, to which application and reference could be made. Their Lordships all said, that they were quite willing to give security for compensation to the tenant for permanent improvements. The noble and learned Lord said that the tenant was to receive compensation for work, whether beneficial or prejudicial to the landlord's property. Why the whole Bill proceeded upon the assumption that the improvements would increase the feesimple of the estate, and raise its letting value. If they did not, he could not conceive that the idlest tenant, the man with the most labour at his command, would embark in speculations or improvements which would not remunerate him for the time he was to hold the land. He might hold for a longer or shorter term, but he would calculate whether or no that which he intended to do would be beneficial to the land he worked. His noble Friend at the Table would propose as a remedy for the evil of the existing state of relations between landlord and tenant, "to leave things alone." On well-managed estates it might be very well to leave things alone; but this Bill would not apply to well-managed estates. On well-managed estates, where the landlord maintained an agriculturist for the purpose of instructing his tenants, how was the present Bill likely to interfere with the arrangements between the landlords and the tenants? The only effect of the Bill here would be to provide that, where the tenant laid out his money on the estate he should have compensation, either in

money if evicted, or by duration of term if he remained in possession. It had been stated that the landlord would have no means of knowing how the works of any particular improvement were done. In the first place, it would be still more the interest of the tenant to have them well and substantially done, when the expense was entirely his own, than if it were divided between the landlord and him; but in addition to this, there was a provision in the Bill to the effect that, during the whole time that the works occupied in their execution, the landlord or his agent should have free access, and be enabled to see how the work was done. Their Lordships admitted the principle of compensation. How were they to secure to the tenant that this compensation should be awarded? It had been said, "by giving him a long lease—give him a fixity of tenure." That was what the Legislature could not do. Talk of the rights of property, and then call upon the Legislature to secure to the tenant a long lease! That would, indeed, be a most serious interference with the rights of property; and such an interference he, on the part of the Government, repudiated the right or the power of Parliament to make. What the Government proposed was, not to interfere with respect either to a long or a short lease; but where the tenant laid out his money upon the land, and thereby increased the value of the feesimple, and the landlord then took advantage of his being a tenant at will, and turned him out of the estate—the Government then said that it was the duty of the Legislature to interfere, and in case the landlord did not give him compensation, to afford him the means of obtaining it by law. That was the principle of the Bill. But there they were bound to secure its operation; and that in fact was what was called the compulsory part of the Bill. But would any one contend that the compensation should be left to the landlord? If it were left to the landlord, the tenant would practically be without any compensation at all. Some person must be appointed to award that compensation between tenant and landlord. Would their Lordships drive the tenant to a court of law? In many cases, where there might be a litigious, angry, or prejudiced landlord, determined to deprive his tenant of all compensation, and against whom he might have some other ground of offence, he might drive him to such law expenses as to render ultimately the amount of compensation nugatory. It was the desire of the Government to introduce a cheap and impartial tribunal for the settlement of these questions. For this purpose very little discretionary power would be given to the Commissioner. The principle upon which the compensation should be awarded would be laid down in the Act of Parliament. The Bill said, that compensation should be awarded according to the amount which the tenant had originally laid out—so much for draining, for building, and for ditching, and then a proportionate amount would be deducted for the time which he continued to occupy the land after these improvements had been made. The amount of the outlay and the time during which the improvements were made was to be registered. The arbitration would not be attended with any expense to the parties, because it was thought that the advantage to the public, in having these questions adjudicated, was so great that the expense ought to be defrayed out of the Treasury. Could their Lordships expect a more impartial tribunal? Did they think a local jury would be better, or more impartial? If their Lordships thought that a better mode of arbitration might be adopted, let it be suggested, and if it would be the means of ascertaining the amount of compensation to be awarded to the tenant, he should not object to its discussion, for a just compensation was the only principle for which he contended. It was unnecessary to press upon their Lordships the necessity of inducing the tenant to lay out his capital on the land, for nobody denied it. But while all admitted that, yet they almost all appeared to be agreed in rejecting the only practical means by which to effect that object; namely, the course suggested by his noble Friend (the Earl of Devon), that of securing to the tenant compensation for his outlay. He asked their Lordships to go into Committee upon this principle—to bear in mind that the state of Ireland was far different from that of England and of Scotland, and to bear in mind the necessity of great improvement in Ireland, and, at the same time, the inability of a large proportion of the Irish landlords to contribute towards that improvement, or to encourage the tenant to make such improvements by granting him a lease; and also to bear in mind the necessity of fixing the mode which should secure by law that which in England and Scotland, if not secured by law, was by custom. He begged their Lord-

ships to recollect that this was not a new principle—he did not mean to say, that the case of an occupying tenant, and that of a tenant for life, or a tenant under settlement, were exactly analogous — but he entreated their Lordships not to consider that the supposition of such an analogy was altogether fanciful, and that there was not room for the occupying tenant to say that while the House of Lords were studious to devise measures for the advantage of that class to which they themselves belonged, they did not put in the same position the occupying tenants. The tenant for life had, by numerous Acts of Parliament, been empowered without the consent of his successor to lay out any portion of money for the permanent improvement of his estate, and then to charge the expense upon his successor. He might be far advanced in years—his tenure might be only three or four years' duration—and yet their Lordships had not hesitated to say that such tenant might have those powers which he had just mentioned. Comparing this with the case of the occupying tenant in Ireland, he might be told there was a difference in principle as to the tenure; still would they say there was not such an analogy between the two cases as to lead the occupying tenant to look with suspicion upon such legal provisions when he was himself deprived of any such analogous protection? Let the landlords of Ireland take what security they pleased that the improvements should be real, valid *bonâ fide* substantial improvements; but he did trust that when they had taken that precaution, they would not, after they had encouraged the tenant to lay out his capital, and had held out to him the prospect of his having a just compensation awarded to him, reject a Bill which was intended to give him that compensation, and which would only operate to give him that compensation in the event of his being evicted by his landlord. The noble Marquess (the Marquess of Lansdowne) had stated that Her Majesty's Government should take upon themselves the responsibility of disappointing the hopes entertained in Ireland, which would be the result of rejecting this Bill. On the part of Her Majesty's Government he (Lord Stanley) must, in the exercise of his best judgment, refuse to take upon himself that responsibility. The Government had acted upon the judgment, not of enthusiasts, not of men dependent upon party ties, but upon men acting upon a full knowledge of the real state of Ireland. It was upon the recommendation of such men that the Government had introduced a measure falling far short of what was desired by many, for they had encountered the danger of creating disappointment by not going beyond the recommendations of those to whom they had entrusted the task of inquiring into this matter. But, on the other hand, they would now be most justly open to the charge of creating disappointment, and of incurring the highest responsibility, if, after having founded a measure upon the recommendation of men of the highest character and of the greatest experience—men taken from all parties in Ireland—and whose recommendation was sustained by witnesses from every quarter—men separated from each other by politics and by religious opinion, but who in common were all connected with the landed interest of Ireland, Her Majesty's Government would have incurred a serious responsibility if, after all this, they were to consent to abandon a Bill introduced under such circumstances. They would then be justly open to the charge of creating a feeling of well-founded disappointment and dissatisfaction among the people of Ireland, and of shaking that confidence which he trusted the people of Ireland reposed in the liberality and justice of the British Parliament. That was not a responsibility which he, on the part of Her Majesty's Government, was prepared to undertake. He was certainly prepared calmly and deliberately to consider in Committee all the details of the measure; but if, without going into Committee, their Lordships should think fit to reject the Bill, the responsibility must rest, not upon Her Majesty's Government, but upon their Lordships.

The Earl of *Essex* asked a question respecting the compulsory clause.

Lord *Stanley* said, that the 10th Clause of the Bill, to which the noble Earl had referred, was what in the course of the discussion had frequently been termed the compulsory clause; and he considered it most important for the efficiency of the measure that that clause should be retained. He did not, however, go so far as some noble Lords, who had expressed their conviction that if this clause were withdrawn the Bill would be entirely ineffectual: but he was ready to go into Committee, leaving that clause entirely an open question.

The Earl of *Essex:* You do not withdraw it?

Lord *Stanley:* No.

The Earl of *Roden* wished to ask the noble Lord if it was to be understood that this Bill had received the unanimous approbation of the Commissioners?

Lord *Stanley* said, he was quite willing to state that this Bill had not received, in regard to its machinery, the unanimous assent of the Commissioners. He believed some of the Commissioners were of opinion that an appeal to the Assistant Barrister, for the purpose of deciding the points at issue, would be more advantageous than an appeal to the Government Commissioner. But the Commissioners were unanimous in their recommendation, first, that means should be provided for registering voluntary agreements between landlords and tenants as to improvements; next, that when the landlord and tenant could not agree with reference to such improvements, the tenant should be empowered to serve notice upon his landlord of any proposed improvements; and that the desirableness of such improvements should be determined upon by two mutually chosen arbitrators, with power of appeal to the Assistant Barrister; and also, that if a tenant should be ejected within a fixed period—thirty years having been mentioned—he should be entitled to an amount of compensation proportionate to the improvements he had effected.

The Marquess of *Lansdowne* said, he could not but feel that the practical effect of this measure would be to introduce a new principle—namely, the intervention of an authority at Dublin for the purpose of compelling landlords to defray an expenditure which, in their judgment, might be improper and unnecessary, and which they might not think conducive to their interests. He entertained very strong objections to this Bill; but, at the same time, he felt for the position of Her Majesty's Government. The Government had given their assent to a Commission of Inquiry, attended with circumstances of publicity, of notoriety — he was almost going to say of ostentation, but that such a term might seem offensive to his noble Friend opposite (the Earl of Devon), who had so industriously, so ably, and so assiduously conducted that inquiry—and they had excited among the Irish people, whose hopes and expectations were very easily raised, the most extravagant and undue expectations, which, whatever measures might be adopted, would still be disappointed. The noble Lord opposite (Lord Stanley) had stated that he was prepared to abandon the compulsory clause of this Bill. [Lord *Stanley:* No, no.] The noble Lord had, at least, said, that he considered it would be advisable to adopt this Bill, even if their Lordships should think fit, in Committee, to omit the compulsory clause, That statement had been made by the noble Lord, not only once, but twice or thrice, in the course of this debate. The noble Lord had also assured them, that though he was desirous of retaining the Commissioner at Dublin to judge for the landlords of Ireland how they ought to improve their estates; yet that if the landlords of Ireland should be so obstinate and conceited as to think they knew better than that Commissioner could do how to improve their own paoperty, he (Lord Stanley) was, with the same candour, ready to give up the Commissioner with the compulsory clause, and cling to what would then remain of the Bill.

Lord *Stanley:* The noble Marquess is entirely wrong on both points. What I said was, that I did not go so far as some of my noble Friends, in thinking that this Bill would have no beneficial tendency, even if the compulsory clause was withdrawn, though I thought that clause a great additional advantage to the Bill. I also stated that I did not think, as has been said by a noble Lord opposite, that the Government officer is the principle of the Bill, because I was ready to admit any other mode of arbitration which would secure to the occupying tenant the same advantage and security for his compensation. I said also, with regard both to the Commissioner and the compulsory clause, that while I adhered to my belief that both were most advantageous, and while I was prepared to defend them, I did not intend to pledge any noble Lord who might vote for the second reading to the adoption of either of those principles, and that I was ready to discuss them in Committee. I certainly did not consider that discussion and abandonment have the same signification; I think the meaning of those terms is widely different. As I leave to noble Lords, after the second reading of the Bill, the discretion and the right of dealing with the principles I have mentioned in Committee, so must I reserve to the Government the right of considering the Amendments, whatever they may be, that may be made in the Bill in Committee, and of determining what course they will adopt.

The Marquess of *Lansdowne* said, the statement contained in the last part of the noble Lord's explanation, their Lordships

had heard for the first time; all the rest the noble Lord had stated for the second or third time; but the reservation on the part of the Government, whether it would proceed with the Bill at all if these alterations should be made, was only now mentioned. He had never meant to imply that the noble Lord was willing to abandon the Bill; but that if outvoted in the Committee, he would be willing to give up the compulsory clause, still thinking it worth while to preserve the rest of the measure, as likely to be useful to Ireland. He was not prepared to say the Bill would be of no benefit after these alterations were made, but he thought no very essential feature of the measure would remain afterwards. The compulsory principle was a new one, to which their Lordships ought not to consent without grave deliberation; the appointment of a Commissioner in Dublin was also a most questionable provision, tending to be cumbersome and inconvenient in operation. It would lead to perpetual disputes; it would be of no advantage to a respectable tenant and a good landlord, while it would put a weapon into the hands of a litigious person, to be used in order to obtain revenge upon his landlord. The noble Lord had stated that the Bill referred to building, fencing, draining — things that were clear and simple enough; but there remained behind the question of what kind of building, and what sort of draining and fencing, would be best calculated to make an improvement: on these points it would be difficult for the Commissioner to arrive at a right judgment. Voluntary agreements between landlords and tenants in Ireland had been of late years increasing, and were increasing every day; it was this wholesome spirit of improvement the Legislature ought to encourage. The noble Earl (Devon) had stated the Bill would not impede the action of the spirit of mutual agreement; but it would lead the tenant to another quarter besides his landlord; he ought to apply to his landlord in the first instance. [Lord *Stanley:* It is done in the Bill.] [A noble *Lord:* Through the Commissioner.] That was what he objected to; the tenant ought to apply to the landlord in the first instance. If, however, the noble Lord attached importance to what might remain of the measure after it should be altered, he would not take on himself the responsibility of arresting its progress in the present stage; the House should have an opportunity of considering how these objectionable parts could be removed, and what could be the efficacy of what remained in reference to the present state of Ireland. The Bill was important to England and Scotland as well as to Ireland; though the circumstances of the countries were different, yet the principle of the right of property was the same in all three, and they could not long introduce a new principle in one for many years, without being compelled to apply its operation to the others. If the Bill proceeded, it ought to be referred to a Select Committee; and he should vote that it be so referred, reserving to himself the right of afterwards reconsidering the whole measure, being as anxious as the noble Lord to promote the prosperity and encourage the improvement of Ireland.

The Earl of *Devon,* in reference to the question of the unanimity of the Commissioners on the present Bill, read some passages from their Report.

The Marquess of *Londonderry* said, the noble Earl had given them no information whatever; what they stated in the Report was known before; the question was, had all the Commissioners agreed as to the provisions of the present Bill?

The Earl of *Devon* was undertood to say that they had not all agreed with respect to them.

On Question that "now" stand part of the Motion? House divided:—Contents 48; Not Contents 34:—Majority 14.

Bill read 2ª.

House adjourned.

The following Protest against the Tenants Compensation (Ireland) Bill was entered on the Journals.

DISSENTIENT—

1. Because whilst we are most solicitous to support any measure which produces, or which has any tendency to produce an improvement in the condition of the occupying tenantry of Ireland, we are unable to discover in the provisions of the present Bill any enactment which will have that beneficial effect.

2. Because we consider the improvement of agriculture and the extension of a demand for labour in Ireland, to depend very mainly upon the mutual good understanding and co-operation between landlord and tenant, and the contribution of the capital of the one class in aid of the industry of the other, which the provisions of this Bill seem calculated to check and limit, rather than to increase and to encourage.

3. Because the intervention of a Government officer, called in, not as a guide and adviser, by two parties anxious to combine in the execution of a definite system of well-

considered improvement, but interposing at the request of one party only, and possibly against the consent of the other, appears to us manifestly unjust in principle, and likely to lead to dissensions and jealousies, where it is most important that goodwill and cordiality should permanently exist.

4. Because we consider the compulsory introduction of new and varied obligations between parties who have already entered into contracts, and this without a saving of those existing contracts, gives to this Bill an *ex post facto* operation, contrary to justice and to the first principles on which sound legislation should proceed; principles which have hitherto been regarded by Parliament as sacred and inviolable.

5. Because the introduction of a measure like the present seems peculiarly rash, dangerous, and inopportune, at a time when it appears from the Report of the Commissioners that "in spite of many embarrassing and counteracting circumstances, in almost every part of Ireland, unequivocal symptoms of improvement continually present themselves to the view, and when there exists a very general and increasing spirit and desire for the prosecution of improvements from which the most beneficial results may fairly be expected."

6. Because a facility of erecting new buildings on small farms, without taking any adequate security for the future and permanent appropriation of those buildings to those uses only which may be conducive to the real interest of the tenant as well as of the landlord, and to the improvement and good cultivation of the land, can hardly fail to promote the increase of a pauper population, lowering the rate of wages, augmenting the price of food, adding ultimately to the competition for leases, and thus aggravating incalculably many of the most serious evils incident to the condition of the Irish peasantry.

7. Because a provision to encourage the levelling of existing fences is not only inapplicable to the greater part of Ireland, but, as being unaccompanied by clauses to provide for the erection of new fences of a permanent or improved character, or indeed of any fences at all, seems to us most irrational and absurd.

8. Because even if it is assumed that the principle of the Bill is as wise and just as, for the reasons stated, it appears to us indefensible and impolitic, it is manifest that the machinery provided in this Bill by the establishment of a single officer of the Government in Dublin, acting through Assistant Commissioners, nominated by himself, is wholly inadequate to the performance of duties extending over the whole surface of a great country.

9. Because the enactment of an ill-considered measure like the present, may raise serious obstacles in the way of a wiser system of legislative interference, to which we should feel disposed to give our most favourable consideration; a system which, by affording guidance and instruction, where skill and science are required; in facilitating the application of capital where capital is needed and is likely to be profitably applied; by encouraging co-operation not only between landlord and tenant, but between parties interested in adjacent estates; by securing to the tenant the strict and accurate performance of all covenants entered into with him, and a full return for all improvements which he has effected with his landlord's approval; by securing to the landlord the maintenance of all improvements to which he may be called on to contribute, shall increase the amount of agricultural produce, shall augment the national wealth, shall stimulate and render more permanent the demand for labour; and thus without the violation of any principle shall facilitate the discharge of the duties, whilst maintaining the rights, of property, and shall thus improve the condition of all classes of Her Majesty's Irish subjects.

Monteagle and Brandon,
Gosford,
Campbell,
Chaworth (Meath),
Crofton (except for 7th reason),
Charlemont (ditto),
Lismore,
Somerhill (Clanricarde),
Kinnaird and Rossie,
Carew,
Clanbrassill (Roden)
Lucan (except for 7th reason),
Charleville,
Stradbroke,
Massareene (excepting 7th reason),
Sandwich,
Rosse (except for 7th reason),
Lorton (ditto),
Egmont,
Kingston,
Vane Londonderry.

HOUSE OF COMMONS,

Tuesday, June 24, 1845.

Minutes.] New Writ. For West Suffolk. v. Colonel Rushbrooke, deceased.

Bills. *Public.*—1°. Deodands Abolition; Accidents Compensation.

Private.—1°. Lord Barrington's Estate.

2°. Lady Sandy's (Turner's) Estate.

Reported.—Preston and Wyre Railway Branches (re-committed); St. Helen's Canal and Railway (re-committed).

3°. and passed:—Oxford, Worcester, and Wolverhampton Railway; Totnes Markets and Waterworks (No. 2); Lyme Regis Improvement, Market, and Waterworks; Oxford and Rugby Railway.

Petitions Presented. By Mr. F. Maule, from Minister, Elders, and others of Free Church, Northill, Perth, for Better Observance of the Lord's Day.—By Mr. H. Baillie, from North Uist, against Universities (Scotland) Bill.—By Mr. Bouverie, Mr. F. Maule, and Mr. Morison, from several places, in favour of Universities (Scotland) Bill.—By Mr. G. W. Hope, from the Legislative Council of Canada, for Alteration of British Possessions Abroad Act.—By Mr. C. Wood, from Bankers and others of York, for enforcing Observance of the Treaty with Buenos Ayres.—From C. M'Donnell and Sons, for Repeal of Duty on Paper.—By Mr. Borthwick, Lord C. Fitzroy, Mr. Bro-

therton, and Viscount Howick, from a great number of places, in favour of the Ten Hours System in Factories.—By Mr. Craig, from Ordinary and Extraordinary Directors of the Association for Improving the Sanatory Condition of Edinburgh, for Sanatory Regulations (Health of Towns).—By Mr. Bouverie, from Chemists and Druggists of Peterborough, for Alteration of Physic and Surgery Bill.—By Sir T. Acland, from Master Mariners and Mariners or Ilfracombe, for Alteration of Merchant Seamen's Fund Act.—By Mr. Bouverie, from Provost, Magistrates, and Councillors of Dumbarton, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Bramston, Mr. Bright, and Mr. Ord, from several places, for Diminishing the Number of Public Houses.—By Mr. F. Dundas, and Captain Wemyss, from Orkney, and Fife, for Ameliorating the Condition of Schoolmasters (Scotland).—By Viscount Howick, from Sunderland, against Timber Ships Bill.

LAWS OF THE ISLE OF MAN.] Dr. *Bowring* said, he had upon the Paper three questions to which he wished to call the attention of the right hon. Baronet opposite (Sir J. Graham). They referred to an illegal arrest and imprisonment which had taken place in the Isle of Man. He understood that the attention of the Lord Chancellor had been called to the matter since he had before mentioned it in the House; and he hoped, therefore, that the right hon. Baronet was prepared to give some explanation of the occurrence. In order that the right hon. Gentleman might be enabled to do so explicitly, he had set forward the questions which he wished to ask in detail on the Paper. They were as follows:—

"Whether John Walters Coldicot was committed, on or about the 9th day of September last, to Castle Rushen, in the Isle of Man, on a charge of assault, without any examination or hearing before a magistrate? Whether, on complaining of the irregularity and hardship of his commitment to the Lieutenant Governor of the island, the case was referred by the said Lieutenant Governor to the committing magistrate himself? Whether the original committal was not to compel the prisoner to keep the peace for six months, and whether, the six months being passed, he was not and is not now detained in gaol?"

Sir *James Graham* said, in consequence of the former statement of the hon. Member, he had communicated with the Governor of the Isle of Man on the subject. It was necessary that he should preface his answer by remarking that the law of the Isle of Man was local and peculiar, and very dissimilar from the law of this country. It appeared that the person alluded to had been charged before a magistrate, about the early part of September last, with a grievous assault on his wife. According to the law of the island, a warrant was issued for his apprehension, against which it was open to him to appeal. No appeal, however, had been lodged in the case; and he was accordingly sentenced to find security for six months, himself in 40*l.* and two sureties in 20*l.* each. He expressed himself unable to find sureties, and was unwilling to enter into his own recognizances; and having lodged no appeal against the decision made in the case, he was detained in prison. Under these circumstances it appeared that on the 16th of October, he being then in prison for want of entering into security to keep the peace, a detainer for a debt of 14*l.* was lodged against him. Now, that fact was altogether omitted in the account of the transaction given by the hon. Gentleman, though from that time forward he had been confined on the debtors' side of the prison. In the month of April, the gentleman by whom he had been originally committed for want of security to keep the peace, consented to his liberation, provided he would enter into his own recognizances, without being under the necessity of finding sureties. The prisoner, however, refused to do so. He was bound to suppose that the hon. Gentleman who brought this case before the House was not aware of the character of the individual on whose behalf he asked these questions. He (Sir James Graham) had already told the House that this person had been committed on the present occasion on account of a most violent and brutal assault on his wife; but it appeared that this was not the first time that he had been guilty of a grave crime. He had been on a former occasion actually convicted and imprisoned for two years, on account of an assault with intent to commit a rape on his own daughter.

Dr. *Bowring* wished to ask, in addition, whether the right hon. Baronet would not consent that the state of the law, which permitted the irregularity of a person being committed to prison without inquiry, should be altered?

Sir *James Graham*: I am not aware that any breach of the law, or any irregularity, has been committed on this occasion.

RAILWAY LEGISLATION.] Mr. *Gisborne* wished to ask the right hon. Baronet at the head of Her Majesty's Government, whether parties applying to Parliament for Railway Bills would be still obliged to deposit plans or sections with the Railway Department of the Board of Trade; or whether any alterations in the present system were intended to be made?

Sir *Robert Peel* was not at present prepared to make any announcement on the subject to which the hon. Member referred. It was one to which Her Majesty's Government had directed their attention, and which required much consideration. They were, of course, desirous to acquire as much experience as possible in the working of the present railway system before any decision was come to, and it was also necessary that the matter should be brought before Parliament at a period of the Session which would ensure full and calm deliberation to a subject of so much importance. Taking these two considerations, therefore, together—namely, the necessity of having as much experience as possible on the working of the present system, and also of having ample time for coming to a calm and fair consideration of the matter in Parliament, he thought the present period of the Session too late for bringing the subject before the House.

THE TARIFF.] Mr. *Labouchere* wished to take that opportunity of directing the attention of the right hon. Gentleman the Vice President of the Board of Trade to a matter connected with the recent alteration in the Tariff, which, though it did not affect any large class of traders, was still calculated to injure some individuals of high character in the commercial world. It besides involved such manifest injustice, that he trusted some satisfactory answer would at once be given respecting it. The question arose from the alteration made in the rate of duty chargeable on the article called morphine, which was a preparation of opium, and had latterly nearly supplanted that drug in medical practice. The House having left the duty on opium, which was the raw material, untouched, while it considerably reduced that on morphine, the consequence was that the foreigner who got his opium duty free would be enabled entirely to supplant the morphine manufacturers in the market of this country. One respectable chemist in Edinburgh, who had erected a laboratory for the production of morphine, which astonished all who had an opportunity of inspecting it, from the beauty of its construction, had carried on a thriving and profitable trade in this article; but he was now apprehensive that the foreign chemists would be enabled to undersell him in the market, so as entirely to destroy his prospects. The entire revenue derived from the duty on opium did not amount to more than 3,000*l.* or 4,000*l.*; and when the injustice done to the native manufacturer was so obvious, he thought there could be no difficulty in providing a remedy.

Sir *George Clerk* said, the point alluded to by the right hon. Gentleman had been already brought under the notice of the Board of Trade by the individual in Edinburgh whom the right hon. Gentleman had referred to, and who was apprehensive that the alteration in the Tariff would be injurious to his business. Prior to the year 1842, there was a duty of 16*s.* a pound on morphine when imported; but none had ever been imported under that duty. In 1842, the duty was reduced from 16*s.* to 5*s.*, with the same result, as not a single ounce of it had been since introduced, and he had not the slightest apprehension that this state of things would be at all altered under the present system.

CONSTITUTION OF JURIES.] Sir *Robert Peel* said, he had promised to answer the question which the noble Lord had put to him a few days since, with respect to the Bill about being introduced for facilitating the challenge to the array. He had since then communicated with the Lord Chancellor on the subject, and he was now able to state that that noble Lord would bring the Bill forward in a few days.

THE SLAVE TRADE.] Mr. *Hutt:* Among the various proposals which have been submitted to Parliament for revising measures which erroneous principles of legislation and mistaken humanity have imposed upon the country, I am surprised that none has been made for reconsidering the nature and results of that system by which we have undertaken to put down the Slave Trade. There has long existed in this country a very earnest and generous desire to extinguish the Slave Trade. Every successive Administration which, during the last forty years, has assumed the direction of public affairs, has exerted itself vigorously and perseveringly for the furtherance of this popular object. During that period—the last forty years—we have had Governments not distinguished by devotion to the real welfare or the constitutional liberties of their own countrymen; but I know of none which did not appear sensible to the wrongs and sufferings of the people of Africa. And the zeal of Government in this respect has always

been warmly seconded by the public opinion of the country, especially where that opinion has been affected by the more religious communities. The ardour of these parties for the extinction of the Slave Trade has been occasionally extreme; indeed, the intensity of their feelings on this subject has made them strangely insensible on many others. For instance, since the termination of the late war there have been periods of great national distress—a sudden paralysis has affected all the operations of productive industry, and public economy has been fiercely demanded by the cry of the nation. But even then I can recollect no occasion on which any doubt has been expressed by any one as to the propriety of keeping up a large expenditure for the suppression of the Slave Trade. There have been times, too, when, from the reduction of establishments, our naval force has hardly been adequate to the duty of protecting our maritime and commercial interests, when more than a fourth of the naval power voted by Parliament has been employed in protecting the African population; but I cannot call to mind any proposal having been made to reconsider that policy. But what is more remarkable, we have been conscious of great miseries at home; we have had it proved to us, not only by personal observation, but by the more accurate and reliable investigation of royal Commissioners, that millions of our own countrymen—I speak of the three kingdoms—pass from the cradle to the grave in a state of moral and physical destitution little superior to that of the savages of the desert; and while we have done little or nothing for their relief, we have shrunk from no exertion, and scrupled at no expense, for repressing misery in Africa. Foreigners have thought these contrasts too violent for sound morality, and have asserted that there was something selfish and sinister in the prodigality of our African sympathies. They believe that we have other objects than disinterested humanity. I will not undertake to say, that none of those who have promoted the abolition fervour have derived personal advantage from the agitation. I have no doubt that many have; but of the country I can confidently affirm, that no people ever engaged more warmly in an undertaking which they were urged by their own interests to pursue. I am no apologist for the Slave Trade. I regard it as an appalling crime, and I feel as much satisfaction as any man can do in contemplating our exertions against it, so long as they have been confined to our legitimate sphere of action. But I contend that we cannot, without culpable neglect of nearer and higher duties, assume the task of extirpating the crime from among all other people, or patrolling the world to put it down. I deny entirely that we are under any kind of moral obligation to attempt it. But giving that question up, suppose that it is the paramount duty of this country to put down at any cost, at any risk of the consequences to ourselves, the frightful crimes which other nations are habitually perpetrating against the people of Africa; admit that instead of occupying ourselves with the welfare of our own suffering and neglected countrymen, we are right in expending our means and our exertions in warding off evil from the tribes of Africa, in extinguishing in fact the Slave Trade, are we extinguishing it? Here is the pith of the case. We have gone on for thirty years, not only assuming that a distant and barbarous people had more claims on our conscience than our own countrymen, but blindly and indolently assuming also that treaties, and commission courts, and preventive squadrons, meant suppression of the Slave Trade. I think it is time to inquire whether our assumption be correct. I want the House of Commons to ascertain the fact. We have been pursuing a system, very expensive as I am prepared to show, and deplorably destructive of the enterprising and gallant men engaged in our naval service, as I can prove also—a system which is constantly compromising the honour of the British Crown by lending us to form treaties with foreign countries, which foreign countries habitually disregard—a system which is for ever bringing us into collision with jealous and powerful nations, and thereby hazarding the peace of the world. Well, we have tried it long—we have tried it perseveringly, in almost every shape, under almost every modification of circumstances. What is the award which our long and large experience at last pronounces on the efficacy of our system? Is it possible that we have tried it in vain? I entreat the attention of the House to this point. For more than thirty years together we have busied ourselves with nothing so much as the abolition of the foreign Slave Trade—the abolitionists have had placed at their disposal the utmost latitude, one might almost say licentiousness of means—public money to any extent—naval armaments watching

every shore and every sea where a slave-ship could be seen or suspected—courts of special judicature in half the intertropical regions of the globe—diplomatic influence and agency, such perhaps, as this country never before concentrated on any public object. Well, we have succeeded in abolishing the Slave Trade, of course? Sir, we have failed, with consequences which it is frightful to contemplate. These are not my opinions, nor the opinions of any one whose judgment you can call in question; they are the opinions of those who have had the management of the suppression machinery, and who are responsible for its operation—I mean Sir Fowell Buxton and the Anti-Slavery Society, the noble Lord the Member for London, the right hon. Baronet the First Lord of the Treasury, and even of Lord Aberdeen. In 1839, Sir Fowell Buxton, to whose memory the right hon. Baronet paid the other evening so just and so feeling a tribute, published an elaborate and valuable work on this subject. After drawing together with great accuracy and research all the facts which could be brought to bear on this important question, and sifting and weighing them with that fairness and candour which were the amiable attributes of his mind, Sir Fowell Buxton came to this conclusion:—

"Towards the end of the last century the cruelty and the carnage which raged in Africa were laid open. From the most generous motives, and at a mighty cost, we have attempted to arrest this evil; it is, however, but too evident, that under the mode we have taken for the suppression of the Slave Trade it has increased. It has been proved, by documents which cannot be controverted, that, for every village fired, and every drove of human beings marched in former times, there are now double. For every cargo then at sea, two cargoes, or twice the numbers in one cargo, wedged together in a mass of living corruption, are now borne on the wave of the Atlantic. But, whilst the numbers who suffer have increased, there is no reason to believe that the sufferings of each have been abated; on the contrary, we know that in some particulars these have increased; so that the sum total of misery swells in both ways. Each individual has more to endure; and the number of individuals is twice what it was. The result, therefore, is, that aggravated suffering reaches multiplied numbers."

Such were the opinions of this humane, enlightened, and honourable man. Sir Fowell Buxton, who represents the inventors and patrons of the system, states, in 1839—

"It is, then, but too manifest, that the efforts already made for the suppression of the Slave Trade have not accomplished their benevolent object. Millions of money, and multitudes of lives, have been sacrificed; and in return for all, we have only the afflicting conviction that the Slave Trade is as far as ever from being suppressed. Once more, then, I must declare my conviction that the Slave Trade will never be suppressed by the system hitherto pursued."

Such was the conviction which a careful review of the whole system forced on the mind of this virtuous and enlightened man. The Anti-Slavery Society echoed the same sentiments. But I have greater authorities than these. The noble Lord the Member for London is admitted by men of all parties to have displayed, in the arduous office of Secretary for the Colonies, talents and accomplishments of no ordinary character, in dealing with the various questions which came under his notice. What said the noble Lord on the subject of the Slave Trade, at the close of 1839? Writing an official letter to the Lords of the Treasury on the subject, he expressed himself in the following terms:—

"Under such circumstances, to repress the foreign Slave Trade by a marine guard would scarcely be possible, if the whole British Navy could be employed for that purpose. It is an evil which can never be adequately encountered by any system of mere prohibition and penalties."

I come now to the right hon. Gentleman. The right hon. Gentleman attended a grand meeting at Exeter-hall, on the 1st of June, 1840, for the extinction of the Slave Trade. The right hon. Gentleman was more prudent in his anticipations on that occasion than some of his colleagues. He did not profess to expect that the Niger Expedition would instantly convert the interior of Africa into an Atalantis of happiness; but he is reported to have said—I had not the good fortune to be present—that the efforts for abolishing the Slave Trade had failed, and had even aggravated the misery of individual cases; and in order, as he said, to prove to the company that the Slave Trade was still in all its sinful vigour, he quoted from a newspaper one of those dreadful cases of the loss of life on board a slave vessel, with which we are but too familiar. I think, in this instance, out of 900 slaves crammed on board a small brig, 700 had perished in a voyage between Mozambique and the Cape of Good Hope. Lord Aberdeen's authority is perhaps more important, as it is of more

recent date. Lord Aberdeen has not, indeed, pronounced any opinion, as far as I know, upon the whole question; but it is impossible to read his despatches to Mr. Bulwer, in 1844, and to the British Minister at Rio Janeiro, without seeing that he fully participates in the sentiments expressed by the right hon. Gentleman in 1840. Then there is the petition of Thomas Clarkson, presented to the House at the beginning of this year. Now, I think this is authority enough. I shall not attempt to strengthen this part of my case by showing how perfectly the views of our consuls and commissioners in various parts of Africa and America coincide with these convictions at home. I pass them by, and proceed at once to the facts derived from official Papers, on which it is to be presumed that the opinions of those great authorities were mainly founded. I find that the number of Africans carried away from their native country, at the beginning of the present century, was estimated in official documents at 90,000 or 100,000. At that time, Great Britain was actively engaged in the trade, and appropriated more than one-half of it. In 1807, the Abolition Act passed. The withdrawal of Great Britain from all participation in the Slave Trade necessarily diminished the amount of the exported slaves. The war was not favourable to the foreign Slave Trade; and there is reason to believe that, at the close of the war, this infamous traffic had not, in any degree, recovered its former magnitude. What is the amount of it now? What is the number of Africans who are now dragged away from the country, and sold into everlasting slavery and exile? It cannot be less, and it may be more, than 200,000 per annum, or double the number the Slave Trade ever reached before we undertook to put it down. It is still on the increase; the numbers will, of course, vary in particular years, under the influences that affect all commercial operations. Nor do I deny that the means we have directed against the Slave Trade, such as the penalties of piracy, the Equipment Treaty, the Right of Search, have all given at times a temporary check to its operations. The sanguine abolitionists have hailed these transient interruptions as evidences of the triumph of their system. It was a gross error. Their system, however, has exercised no durable suppressive influence whatever. The wave has retreated; but the tide has steadily advanced. Mr. Maclean, the late Governor of Cape Coast Castle, who, I believe, did more than all our treaties, and all our squadrons, for the suppression of the Slave Trade; and whom the Colonial Office, with its usual wisdom, has removed from his sphere of usefulness — Mr. Maclean estimated the number of slaves carried away in the year 1838, from the Bights of Benin and Biatra, at 140,000. Lord John Russell says—

"But after the most attentive examination which it has been in my power to make, of official documents, and especially of the Correspondence communicated to Parliament from the Department of Her Majesty's Principal Secretary of State for Foreign Affairs, I find it impossible to avoid the conclusion, that the average number of slaves introduced into Foreign States or Colonies in America and the West Indies, from the Western Coast of Africa, annually exceeds 100,000. In this estimate a very large deduction is made for the exaggerations which are, more or less, inseparable from all statements on a subject so well calculated to excite the feelings of every impartial and disinterested witness. But, making this deduction, the number of slaves actually landed in the importing countries affords but a very imperfect indication of the real extent of the calamities which this traffic inflicts on its victims. No record exists of the multitudes who perish in the overland journey to the African Coast, or in the passage across the Atlantic, or of the still greater number who fall a sacrifice to the warfare, pillage, and cruelties by which the Slave Trade is fed. Unhappily, however, no fact can be more certain, than that such an importation as I have mentioned, presupposes and involves a waste of human life, and a sum of human misery, proceeding from year to year, without respite or intermission, to such an extent as to render the subject the most painful of any which, in the survey of the condition of mankind, it is possible to contemplate."

This is an estimate of the numbers landed in America, and taken from the west coast of Africa only. The noble Lord says that, limited in that way, the number exceeds 100,000, Sir F. Buxton proved from official Papers that the number of negroes introduced in 1838 from Africa into Cuba and Brazil was 140,000—61,000 into Cuba, and 78,000 into Brazil. But this is only an account of the slaves whom our consuls or agents had ascertained to be introduced. It is no return at all of the whole body actually imported into the two countries. Take, for instance, Brazil. The Consul General reports to the Foreign Office that he had received information of 78,331 having been clandestinely imported into the five

principal seaports of Brazil; but can we suppose that when so many are smuggled into these five ports, that large numbers are not also landed on the remaining line of coast—a coast extending 2,600 miles, and abounding with harbours, creeks, and rivers, where disembarkation could be easily effected. 140,000 slaves are, however, proved to be landed; one-third more, or 46,000, must on an average have been torn from the coast of Africa; the average loss being from 30 to 35 per cent. 8,000 were in that year captured by British cruisers. We have thus 194,000 slaves exported from Africa for the supply of Cuba and Brazil during the year 1838. But Cuba and Brazil are not the only countries engaged in the Slave Trade. Porto Rico, Buenos Ayres, Texas, and the United States, are all participators in the crime. I know that persons have doubted whether the United States really import any slaves. I presume the Members of this House doubt it whenever the Sugar Duties are under discussion. I believe, however, that such is the fact. I rest my opinion not on the circumstance that it has been constantly alleged in the American Congress; not on the circumstance that there are so many slaves in America who do not know the English language; but upon this: I know that in Carolina, Georgia, Alabama, and Mississippi, there is a large demand and a high price for every slave offered there for sale. I know that Americans are actively engaged in the Slave Trade for the supply of other markets. The Papers before the House constantly refer to slave ships belonging to American owners, fitted with American capital, sailing under American colours. Is it credible that under circumstances such as these, and the temptation of very high prices in America, that African born negroes are not introduced there? They may not be introduced directly from Africa; they may come through Texas, they may come through Cuba; but it would contradict all human experience to doubt that, with these facilities, high profits did not ensure the supply. Well, then, we have ascertained that in 1838, 194,000 negroes were torn from Africa, for supplying the markets of Cuba and Brazil; and there is presumptive evidence, amounting almost to a certainty, that a much larger number were actually smuggled into those countries. We have the importations into Porto Rico, Texas, Buenos Ayres, and the United States yet unaccounted for; can we hesitate to conclude that the Slave Trade is now, after all our expenditure and exertions, double what it was in 1814? Well, it may be said that my evidence only goes to show it was so in 1838; it may have diminished since. We have had the Right of Search Treaties of 1841, and the Treaty with Portugal of 1842; it may have disappeared altogether. What says the Slave Correspondence recently placed in our hands? The Commissioners at Sierra Leone state, at the beginning of 1844:—

"From the foregoing statement your Lordship will perceive that, unhappily for the case of humanity, the Slave Trade has greatly increased during the year 1843."

The Commissioners at Havannah state, at the same time:—

"The list of vessels proceeding to the coast of Africa is far exceeding that of the last year. We regret having it further to state, as a matter of public understanding, that the trade is to be allowed to continue as much connived at as ever previously. From our former despatches, and the one we have hereafter to submit on the state of the trade during the last month, your Lordship will see the alarming extent to which these proceedings are now projected."

On the 7th August, 1844, the Commissary Judge writes to Lord Aberdeen:—

"During the last month, I regret to have to report that the Slave Trade has exhibited proofs of unabated activity."

The Commissioners at Rio afford corresponding testimony:—

"The total number of slaves, as shown by the present return, is not one half of the actual number successfully imported. We are assured that nearly 40,000 have been landed within these provinces in the period. This sudden augmentation during the past year is attributable to the continued encouragement and protection afforded by the Brazilian Administration to all slaving adventures. The greater number of slave ships which have effected the landing of their cargoes, have escaped our vigilant observation in consequence of the novel system recently followed by the slave dealers, which has proved eminently prosperous."

Mr. Hesketh, the Consul at Rio, states, on the 2nd April, 1844:—

"The clandestine importation of slaves is carried on as extensively as ever."

Now, Sir, I wish to place those broad

facts before the common sense of the House. If this question is to be made a subject of casuistical dispute—a contention about words and terms, or a feat of strength in oratory, why, I now admit my utter incapacity to meet the right hon. Gentleman on such grounds; but upon the truth—upon the facts of the case—upon the practical results of the system, I fear no one whatever; and I trust, and believe, that I have now stated sufficient to the House to establish that part of my Resolution which says, that the traffic in slaves is undiminished. I have another charge against this rash and idle system. It actually grows the crime which it proposes to put down. We are constantly complaining that the people of Cuba and Brazil do not co-operate with us in our crusade against the Slave Trade. I know they do not; but is their estrangement from us in this work really a matter of astonishment? They have no fondness for the Slave Trade. The respectable people, the persons of wealth and intelligence in both countries view the traffic with consternation and horror. The extraordinary disproportion of the negro to the white population of Brazil has long been viewed by all prudent men of that State with anxiety and alarm. The same in Cuba. The British Commissioners at the Havannah write thus to Lord Aberdeen at the beginning of last year:—

"The consternation among the planters is exceedingly great; and within the last month there was a memorial presented to the Governor of Matanzas, signed by upwards of sixty of the most respectable planters and inhabitants of that city and the neighbourhood, of a most remarkable character. The memorialists complained in express terms 'of the bad faith towards England, in the continuing to permit the introduction of negroes, to the great injury of the island, and against the earnest wishes of the great majority of the people.' We are sorry we have not been able to procure a copy; but we have these expressions from a gentleman who read it, and on whose statement we can rely. This petition was directed to the Captain General, and was delivered to the Governor of Matanzas to be forwarded, who tore it in the presence of the parties deputed, telling them that it was the most friendly act he could do for them, as such a petition was an insult to the Government, and they would be looked upon as conspirators. The memorialists on this determined to present one to the Captain General direct, on hearing of which the Governor of Matanzas, Don Antonio Garcia Ona, called some of the principals, and told them that unless they desisted he would have to proceed against them officially."

A copy was afterwards discovered and transmitted to Lord Aberdeen. It is among the Papers presented this year to Parliament. It is a vehement condemnation of the Slave Trade, and a most earnest appeal to the Government to put it down. It may be thought singular that, with so unquestionable a concurrence in our views, and with so many Treaties pledging them to co-operation, these people should not only refuse us all assistance in our common object, but, on the contrary, should treat all our abolition efforts with unmitigated hostility. But there is really nothing astonishing in the matter. It is one of the unhappy effects of the preposterous system of meddling and interference out of our legitimate sphere of action. The very means we resort to for putting down the Slave Trade actually promote its continuance by enlisting the passions and prejudices, and even the national pride and honour, of all the slave-trading countries in its defence. No nation—as the right hon. Gentleman the Member for Edinburgh observed some nights ago—no nation likes to be told by another, we are more virtuous than you. The very assumption of such superiority provokes contradiction—provokes in the hearts of those we admonish a disposition to justify both their conduct and their principles. But we do not confine ourselves to admonishing and lecturing our neighbours on morality, though the annual Slave Trade Correspondence proves that we do a great deal in that line. We do, however, something else—something far more exasperating. Now, I should like to know what would be the feelings of any of the inhabitants of our own coast—Brighton, for example—if they were in the habit of hearing that British vessels engaged in smuggling had been chased, burnt, sunk, or run ashore by Russian or American ships of war, fitted out to suppress their illicit operations with France; if every now and then they beheld vessels belonging to their own port, on board which they knew that their own townsmen were serving—over which their own national colours were flying—destroyed off their own town, or captured and carried away as a prize before their own eyes by the ships of a foreign nation—of a foreign nation which, arrogating to itself superior conscientiousness, had promoted

a league to put down public immorality throughout the world. What would be the natural feelings of the people of Brighton in such exasperating circumstances? Would they not violently rebel against the foreign dictators, who came to teach them morality with fire and sword? As for my gallant Friend the Member for Brighton, I am convinced that he would immediately leave off legislating for oysters and periwinkles. He would put to sea, and become a smuggler on a principle of public spirit. But, indeed, Sir, it is true, the course we are pursuing deprives us of the assistance—the cheapest, the most powerful, the most effectual which we could have, in the public opinion of the countries in question. We not only fail to secure that valuable co-operation, but we actually contrive, in spite of the alarm of this people about the Slave Trade, to array public feeling against us. By the vigilance of our consuls, and other agents, we are supplied with something like an account of the number of those unhappy beings who are annually carried off from their country and sold into slavery for life. But, Sir, we have no account—for no computation can be formed—of the multitudes who are massacred in the progress of the operation. We know nothing of the numbers who annually perish while penned up in the African baracoons, waiting for embarkation—nothing of the numbers who perish in the ship's hold, even in the most favourable voyage across the Atlantic—nothing of those who are suffocated under the hatches in a storm, or who are heaved alive into the sea on the approach of a cruiser—far too little of those who annually sink under the effects of confinement, suffering, and disease in the slave ship, in the dreadful period between their capture by our cruisers, and the adjudication of their case by the Commission and Admiralty Courts. Of the sufferings of those who survive the horrors of the voyage, there is no one to give us an account. All that we know is, that the whole constitutes a complication of tortures of human mind and body—scenes of misery, blood, and death, such as are probably unmatched in any other passage of earthly affliction. And, mind, before we undertook to suppress the Slave Trade by force, there was little or nothing of this. Both the seller and the buyer of the slaves were interested above everything else in the safety of their articles of trade. The slaves were brought down by the African chiefs to convenient spots on the coast; there they were expected by the European dealer. After they were purchased, they were openly and leisurely embarked. They were generally accommodated on board ship in a way to secure their physical well-being. The first concern of their owner was their preservation. The moment we undertook to destroy the trade by violent means, all this was changed. The first object now of the slave trader was not the safety of his cargo, but his own escape from capture; and the consequence has been an accumulation of horrors in all the operations of the Slave Trade, such as, to use the words of Mr. Burke, no eye has seen, no ear has heard, and no tongue can describe. I now come, Sir, to the most critical part of my subject; but, having at last taken it up, no false delicacy shall restrain me from speaking plainly what I feel with deep sincerity to be true. Our system is the direct cause of these horrors, and for that system we are personally responsible; and we—myself—every man who has a seat in the Legislature, but, above all, the Ministers of the Crown, who might put a stop to these deeds of atrocity if they would, and who will not do it, are participators in the perpetration of the crime. The slaves are now brought down in gangs of thousands to the baracoons on the coast, and have there to wait until they can be embarked so as to elude the vigilance of our cruisers. If they have to wait long, as they get little food, they usually perish in multitudes from starvation, or from diseases incidental to destitution. When a slaver arrives, and the victims are looked over by the buyer, the sickly and emaciated being condemned, are deliberately murdered. The rest are embarked. I dare say that few Members of this House ever saw a slaver. I have. I had an opportunity of inspecting two a few years since at Nantes, on the eve of their departure. It is not necessary for me to give any other description of them than that, in order to insure swift sailing, they were built so low that they were almost gunwale-edge with the water. The Slave Trade Correspondence, recently presented, speaks of a vessel only twenty-three inches between her decks. Into this dark and miserable hole human beings are crammed by hundreds. They

are massed together like herrings in a cask. Of course they suffer and they die. Why, think of 400 human creatures forced between the decks of a vessel of only eighty tons, in the Torrid Zone, and carried across the Atlantic. Sometimes whole cargoes are extinguished. Of those who survive many are dislocated and distorted for life from the unnatural posture in which they have been fixed in the ship's hold during the voyage. The body will often stiffen into a permanent curve, and may never regain an upright position again. Now, Sir, I will not proceed. I will say nothing about the consequences when disease or storms at sea add their visitation to this thick compound of horrors. Most persons have read the Rev. Mr. Hill's pamphlet. I will only remark that most of the statements are substantially verified in the Papers before the House, as are all the other facts I have adverted to. Such, then, Sir, is one part of the price that is paid for maintaining our system of abolishing the Slave Trade. Now, are these cruelties to last for ever? You are preparing for their continuance; I believe for their aggravation, too, by your Treaty with France. But have you no fear how you deal with blood? Can any object be really good that is to be accomplished by human sacrifice. Sir, it is not by calling the Slave Trade inhuman and wicked that you can justify proceedings such as these, much less entitle them to support in a Christian assembly. Whenever I may perpetrate knowingly and recklessly cruelty and bloodshed, but most of all when I do so in the name of humanity and religion, denounce me as a hypocrite and a felon! I shall be no better. Humanity never taught such a system as this, and still less the Christian religion! But there is another and a different chapter in this melancholy history. I think I have shown that our system is productive of nothing but evil to the people of Africa. They do not suffer alone. The system has its victims among our own countrymen. England is annually weeded of her best and her bravest in order to carry on this idle and mischievous project for stopping the foreign Slave Trade. I do hope that those who, gratified by yearly rehearsals of our innumerable ineffectual treaties, by computations of the slavers we have uselessly destroyed, and of slaves we have vainly captured, will occasionally turn their thoughts to the homes in England which their devices have left desolate, and to the hearts within their own land they have made hopeless for ever. What the amount of this idle destruction may be, I have no means of stating to the House. Some Returns which I moved for many weeks ago on this subject have been found so difficult to make up, at least I presume so, that with all the zeal of the subordinate Members of the Government for promoting a fair consideration of this important subject, they have not been able to get them presented to the House. Probably they will be laid on the Table to-morrow. The same reason applies, though in a less degree, to the expenses of our system. Sir Fowell Buxton stated more than five years ago, that our anti-slave trade measures had cost the country since the peace about fifteen millions sterling. This included the sum of 1,300,000*l.* paid to Spain and Portugal as bribes to induce them to abandon the traffic. We originally offered them nearly 2,000,000*l.*; but as they have carried on the Slave Trade with double activity ever since they engaged to leave it off, we may think ourselves very lucky that we only paid them 1,300,000*l.* The annual expenses are generally taken at half a million; they are probably rather more. The Commissioner of Inquiry on the Coast of Africa estimated the expense incurred in that part of the world, and independent of the salaries and contingencies at home, at 229,090*l.* per annum. The Mixed Commission Courts cost the country 15,000*l.* per annum, and the officers have all retiring salaries. Many of the other charges vary with the number of men of war employed in the service during the year, the number of slave ships and slaves captured by them, and the amount of money to be paid by this country for illegal detention. Putting all these expenses together, I suspect it will be found that we carry on these insane operations at an expense exceeding half a million per annum, and that the whole cost of them since the peace has been nearly 18,000,000*l.* sterling. The right hon. Gentleman knows very well that there are objects at home on which this money could be beneficially and philosophically employed. I have brought before you the sums of money which our anti-Slave Trade vagaries annually cost the noble and suffering people of this country. I have adverted to the dreadful sacrifice of our seamen by which you carry them on. I have shown you the horrible cruelty and butchery which your

system enforces on the Slave Trade. I have shown you that the system itself rather tends to promote than suppress the trade. Lastly, I have shown you that your system has, practically, not suppressed it at all, but that the trade has increased it under your system, and that in a prodigious ratio. Now, I think I have a right to demand of the right hon. Gentleman either to invalidate my statements —to disprove my facts — or candidly and honestly to admit my conclusions, and abandon the system. I may be asked, then, what I am prepared to recommend as its substitute. I say, withdraw your cruisers; they are far worse than useless for your purpose. Encourage as much as possible commercial intercourse with the coast of Africa; not by Niger expeditions —which was a most insane application of a principle, wise enough in itself—but, as was recommended by the West African Committee of 1842, by promoting the formation of simple and inexpensive establishments on both sides of the coast of Africa. At the same time give to your West India islands every possible facility of importing free labour from the tropics. You may then do so without fear of exciting the irritable jealousy of other nations on the question of slavery. By doing this you will sap the foundations of slavery, by underselling its productions. You put down the Slave Trade by destroying the speculation. I may be told that if you give up your squadrons on the coast of Africa, the Slave Trade will burst forth like a torrent. Where is this torrent to go to? Not to Cuba and Brazil. They can hardly import more than at present—they will not import at all if you will only give to the law which prohibits importation the best, the wisest, and most powerful assistance which the law gathers in every land from the support of public opinion. Every intelligent man in Cuba and Brazil is well aware of the awful dangers which are impending over his country, created by the importation already effected. Nothing, indeed, can be more alarming. At present, indeed, all is still—

"The storm yet sleeps, the clouds yet keep their station—
The bloody earthquake yet is in the womb—
The unborn chaos yet expects creation,
But all things are disposing for their doom.
The elements are waiting but the word—
Let there be darkness—and they grow a tomb."

Whether in the inscrutable purposes of Providence it is decreed that that hour of retribution, so fearfully anticipated by the observers of both countries, should arrive or not, it is out of our province to conjecture. But this at least is certain, that should the day of insurrection ever appear —and may God in his mercy long avert it —the convulsion will be bold, and bloody, and tremendous, in the same degree as the crimes which have brought it on have been inexcusable for their wickedness. You may say there are other slave-trading countries than Cuba and Brazil; but let even them beware—let Texas beware—let the United States of America beware. Should that menacing meteor, which is now blackening all the horizon of Cuba and Brazil, ever burst upon the country, its mission will hardly be accomplished till it has visited brighter borders and fairer cities. And if the proud republic of North America shall not learn to avoid the calamities in her career—if she shall still persist in encouraging the growth of slavery, and the practices of the Slave Trade—she may one day see the most prosperous provinces of the present Union confederated with the half-savage dominions of Hayti. The hon. Member concluded by moving—

"That the course pursued by Great Britain, since 1814, for the suppression of the Slave Trade, has been attended by large expenditure of the public money, and by serious loss of life to the Naval Forces of the Country, and that it has not mitigated the horrors of the middle passage, nor diminished the extent of the traffic in Slaves."

Sir *G. Cockburn* said, the only difference between the sentiments of the hon. Gentleman and those entertained by Her Majesty's Government was as to the manner in which they were to arrive at the object both had in view—viz., the suppression of the Slave Trade. Undoubtedly he could not agree with the hon. Gentleman that the best way to do so was to withdraw the whole of our force from the African coast, to leave the trade unchecked, except by the force of public opinion alone. It was only last year that a new system had been adopted. England had doubled her force upon that coast; and officers had been appointed to commands there who were most intimate with it; and the ships, instead of cruising about as they did in former times, had now fixed stations, in a manner blockading those parts of the coast in which the Slave Trade had flou-

rished most. The new plan had been in operation for a very short time, but the accounts of its working which had reached the Admiralty were so far satisfactory. There had been recently received from the Commodore on the Coast of Africa, accounts bearing date December 31, 1844. He reported—

"The measures taken for the watching of the Gallinas had proved completely successful."

And on the 5th of April, 1845, the Commodore reported—

"I have the honour to submit to their Lordships' consideration the enclosed list of captures of slave vessels, amended from the latest returns, from which it appears that the total amount of seizures during the last twelve months has been forty-five, of which one only has been released by the tribunals to which their cases were subjected. I humbly venture to hope that their Lordships will be pleased to accept this result as a satisfactory proof of the zeal and diligence of the officers on this station in the execution of their duty. It is very gratifying to me to be assured that the Slave Trade has been severely checked, and in some of its principal haunts effectually suppressed; and I entertain a sanguine expectation that the continued vigilance of the squadron will give it still further and more decisive blows, although it may, as yet, be too much to calculate on its final and total extinction; and yet even that result is not beyond my hopes, when I see the faithful exertions made by the Portuguese Government in the cause of the Slave Trade suppression on the southern part of this station."

Another feature in the case which was new was, that of the whole forty-five only twelve were captured with slaves on board—all the rest had been taken while they were attempting to get in. With regard to the loss of life amongst our own force on that coast, the statement which the hon. Gentleman had been instructed to make was very much exaggerated. If he would refer to the Returns upon the subject, he would find that between 3 and 4 per cent. was the actual loss from casualties, disease—in fact from all causes. And with regard to the other observations of the hon. Member, he must allow him to add, that there was fully as much wretchedness under the old state of things as at present. The hon. Member did not seem to remember that the slave trader had still the same interest in getting his slaves over in a healthy state that he had before. At the same time, however, it must be admitted that the slaves used to be kept too long in the baracoons; but since those baracoons had been attacked and destroyed, very few of the slaves had been brought down in that way. Those who dealt in slaves were beginning to see that the trade had become more expensive than it was. Now as they had every reason to believe, therefore, that they had succeeded in inflicting a very severe blow upon the iniquitous trade, in his opinion it would not be a wise measure to put down our force at that moment. Besides, we had lately entered into an arrangement with France, the effect of which would be again to double the force already upon that coast. It was impossible for a seaman to say that no vessel could escape; but most undoubtedly as the force upon the coast was increased, the chances of escape for slave vessels was very much diminished, the risk they ran was greatly increased, and the carrying on the trade would be rendered more expensive, and, consequently, less worthy of being followed. They ought to give the new plan for putting down the trade a fair trial, the more especially after the additional force to be provided by France. He had as great an abhorrence of the crime as the hon. Gentleman himself; but if the Motion of the hon. Gentleman were agreed to, it would do much mischief, by putting aside the Treaties we had entered into with the native chiefs. They were now anxious enough to accept our presents, for the purpose of abstaining from the trade; but undo the Treaties, remove our force from their shores, and they would immediately return to their old traffic in human flesh. The Motion, if agreed to, would create much more misery and mischief than the hon. Gentleman was anxious to remove. He would, therefore, give it his most strenuous opposition.

Viscount *Howick* entirely concurred with the hon. Member for Gateshead in the views he had expressed; but in the present state of the House would not advise him to press his Motion. As to the promises held out by the right hon. Baronet, and his expectations from the new system, he must confess he had the smallest possible faith in them. For the last thirty years, Parliament had, at intervals, been assured, by one Government after another, that some new scheme had just been devised which would effectually put an end to the Slave Trade; former plans, it was always admitted in such cases, had

been failures, but the new device was exactly the thing. The new scheme, however, invariably turned out as unsuccessful as its predecessor; and such, he apprehended, would be the case with that now in operation, and from which the right hon. Baronet augured so much. The ingenuity of the slave trader, whetted by the enormous profits realized, had always proved more than a match for us. At the present moment the Slave Trade to Brazil and Cuba was greater than ever; but, in his decided opinion, were we to desist from our so futile efforts, the Governments of both Cuba and Brazil would find it necessary to interfere, in obedience to the public opinion of the respective States. Already, the increase of slave population was exciting much alarm in the minds of the Cuban merchants, and the rest of the non-coloured community; and were our efforts to cease, the augmented importation of negroes, and the prospect of still increasing importations, would produce an effect on public opinion, which would render the interposition of the local Government essential. And there was as little doubt that the local Governments, both of Cuba and Brazil, could effectually interpose, as there was that our interference was of comparatively no avail. Nay, our interference in one material way aggravated the evil; for it generated in the minds of the States with whom we interfered, a spirit, not unnaturally either, of resentment at what they considered our meddling in what did not concern us. Indeed, he could not but think that the foreign Governments in question had exhibited no inconsiderable forbearance, patience, and good humour, considering the way in which we harassed them at every turn, in a traffic which they regarded with very different feelings from those which it excited in this country. He doubted much whether we should exhibit similar toleration of another nation interfering with us in a similar way. As to the Mixed Courts of Commission, they were a mere mockery; it was absolutely a mere toss-up, whether the judgment went for the British capture, or the Brazilian or Cuban slaver. With reference to the combined operations, whence the right hon. Baronet anticipated such augmented success, he (Viscount Howick) much doubted, whether they would not do more harm than good; there was danger alike of the French and English officers agreeing too well, and of their differing too much. The best mode of putting down the Slave Trade, as had been pointed out by his hon. Friend, would be the extension of our commercial relations with the African coast, which result the French squadron would certainly not be disposed to promote. We had had an illustration of that in reference to the gum trade. As the Government was determined to persevere in their present policy, it only remained for those who objected to it to express their dissent, leaving the whole responsibility on the shoulders of Ministers. He would, however, express a hope that the right hon. Baronet would give an assurance to the House thus far, that if, at the end of a year or two from the present time, the new plan was found not to answer, he would come forward and, honestly confessing the fact, adopt a different policy.

Sir *R. Peel:* I am sure the noble Lord will not consider that I mean towards him the least disrespect, if I decline to follow him in his observations upon the subject of the Convention recently ratified between this country and France. Indeed, the hon. Gentleman who brought forward this Motion, deprecated the introduction of that question; and I have the less reluctance in declining to enter upon it now, as the noble Lord (Lord Palmerston) has given notice of a Motion which will lead to the discussion of it in a distinct and separate form. With regard, then, to the Motion at present before the House, I think the hon. Gentleman who brought it forward, has proceeded upon totally erroneous grounds. I admit that the measures adopted by Her Majesty's Government have not been successful in abolishing this traffic. I also admit that the horrors of the Slave Trade continue — abated in some degree, but still to an extent which every friend to humanity must deplore. But when the proposal was made to abolish the Slave Trade, it was foreseen, whatever measure you might adopt to effect it, that would lead in some degree to an aggravation of the evil. Those who were averse to the abolition of the Slave Trade said, that if it were abolished slave smuggling would follow to a greater extent than then existed. Still, general considerations of humanity prevailed over objections of that nature; this country determined to set an example to the rest of the world, and abolished the Slave Trade; not, however, without feeling that,

in some particular cases, the evils of the illegal traffic might be greater than those of the permitted traffic. Upon this question, as upon others, this country was subject to hot and cold influences. It is unnecessary for me to refer to the origin of the feeling which had been excited against the Slave Trade. The evidence which was taken before the Council was quite sufficient to have raised that feeling—a feeling which was only to be satisfied by the abolition of the Slave Trade. In the course of that evidence it was stated, in reply to a question upon the point, that they did indulge in merriment on board slave trading vessels, but that the occasions were those of funerals, when the body of some unfortunate slave was committed to the deep, amidst the general exultation of the survivors at his being released from the horrors of his situation. Such evils as these were not new or unprecedented; and they raised such a feeling in the country as led to the abolition of the Slave Trade. Although I am aware that the avidity of slave dealers would lead them to make the passage in the shortest possible time, and although I don't mean to deny that owing to the vigilance of our cruisers, the horrors of the voyage are increased, yet, upon the whole, I greatly doubt whether or no the sufferings of the unfortunate slaves will be diminished, if you relax in your vigilance. It is notorious, notwithstanding the suspicions of the hon. Gentleman, that there are but two countries now carrying on the Slave Trade to any great extent—Brazil and Cuba; and I shall not despair, if the efforts of this country be persevered in, that even as regards those two countries those efforts will be crowned with the success which they deserve. With respect to Brazil, such is the extent of cultivatable land, so great is the demand for slaves, and so great also is the disposition upon the part of the authorities to connive at the introduction of slaves, that the withdrawal of your cruisers from the coast of Africa would give a stimulus to the Slave Trade which you can hardly imagine. I think the hon. Gentleman has greatly exaggerated the number of slaves that are introduced into the different countries which sanction slave labour. I very much doubt if the whole number imported into Brazil and Cuba exceeds 35,000, whereas he has estimated them at 180,000. The hon. Gentleman proposes to encourage the produce of our own Colonies by the introduction of free labour, which he says will successfully compete with slave labour. But even supposing his anticipation upon that point to be well founded, see what a length of time must elapse before he could realize it. I admit the advantage of introducing free labour into your own Colonies, but I apprehend that the two systems are not consistent, and that an attempt to make them so would give encouragement to the direct Slave Trade. I deeply lament the failure of our exertions; but holding the opinion I held on the occasion which has been referred to, I still think there is a prospect of ultimate success, and that it would be most unwise in us to relax in our efforts for the suppression of the Slave Trade. The hon. Gentleman says it is carried on to an immense extent on the Coast of Africa. I believe that impression to be erroneous, and I have here a letter from our naval officer which tends to prove it is so. The letter is dated from Her Majesty's ship *Cleopatra*, off Quilimane, December 20, 1844; and the writer says—

"I think we are doing very well against the Slave Trade on this side of Africa, and a twelvemonth after this it will be a rare thing to hear of a slave vessel on the coast, if the present number of vessels are employed to prevent it. There were ten agents employed at Quilimane to collect slaves for the Rio vessels, nine of which have left, and the other remains only to collect the property and wind up the affairs of the company. There are now about 2,000 slaves ready to be embarked, and vessels are expected every day for them. It is no easy thing for them to get off safely, as the Governor of Quilimane, who has just arrived, will not allow the trade to be carried on from that river, and the Governor General is very earnest in putting an end to it by all the means in his power. He has given me authority to capture any vessels employed in the Slave Trade from any river, harbour, or roadstead belonging to Portugal, and has sent a very strong letter to the Governor of Inhambam for allowing the *Kentucky* to enter the port under American colours, telling him he will make him responsible should a similar occurrence take place."

On the east coast of Africa, so far as relates to South America, we have great reason to believe that the Slave Trade has been suppressed through the cordial co-operation of Portugal, whose conduct within the last two years has, I must say, been most excellent. Portugal has, during that time, lent us a sincere and cordial co-operation. The civil authorities of Portugal had sent

out a commander who had manifested the utmost desire to give us every possible assistance for the suppression of the Slave Trade. A slave vessel having been captured by the *Alert*, was carried before a Mixed Commission on the Coast of Africa; but the death of one and the removal of another of our Commissioners, left the matter in the hands of the two Portuguese Commissioners, who, acting singly, and without any stimulus from the presence of our Commissioners, proceeded at once to the condemnation of the vessel. Captures have even been made by Portuguese vessels. A Portuguese garde-marine, on the 27th of May, 1844, captured the Brazilian brig *Caçador*, having on board 850 slaves; the commanding officer recommended the garde-marine for promotion, on account of his vigilance; the recommendation was attended to; the promotion was granted, and Lord Aberdeen expressed his satisfaction at, and acknowledgment of, the example which had thus been set. That was not the only instance. In another case another Portuguese officer distinguished himself by effecting the capture of a Spanish slave-trade vessel, and was accordingly promoted. These acts upon the part of the Portuguese Government—these promotions of officers for capturing Brazilian and Spanish Slave Trade vessels have produced an effect through the Portuguese navy which leads to the hope and belief that the co-operation of Portugal is not only sincere, but that it will be most effectual. Indeed, the whole conduct of Portugal has been such as to deserve the grateful acknowledgments of every friend to humanity. With regard to the United States, although the force they have sent to the coast of Africa is limited in amount, and does not exceed 80 guns, the experiment has not been unsuccessful, as may be seen from the following letter:—

"*Sierra Leone, April* 4, 1845.

"My Lord—We have the honour to acknowledge the receipt of your Lordship's despatch, No. 2, of the 19th of February, transmitting the copy of a despatch from Her Majesty's Commissary Judge at Havannah, containing a copy of his Report on the Slave Trade at that place for the month of December last. Of the slave vessels mentioned by Mr. Kennedy, we have already, in our despatch, No. 25, of the 24th ultimo, notified to your Lordship the capture and condemnation of the *Huracan;* and we have now the pleasure of communicating the capture of the *Spitfire*, on the 25th ultimo, in the Rio Pongas, by the United States vessel of war, *Truxton*, Commander Bruce, by whom the prize was brought into the harbour, and is about to be despatched to Boston for trial. The seizure of the American slaver was effected by the boats of the *Truxton*, which rowed up the Pongas in company with the boats of Her Majesty's steamer, *Ardent*, Commander Russell, both parties carrying British colours, upon an understanding between the two commanders, by which means the American crew of the *Spitfire* were induced to mistake the *Truxton's* boats for those of the English cruiser, and having hoisted, in supposed security, their own ensign, were immediately seized. A Spanish vessel, which was captured by the British boats at the same time alongside the *Spitfire*, is now before this Court, and will be reported to your Lordship in due course.

"We have the honour to be, with the greatest respect, my Lord, your Lordship's most obedient and most humble servants,

"M. L. Melville.
"James Hook.

"The Right Hon. the Earl of Aberdeen, K. T.," &c.

The same course was taken with the Spanish vessel. The Spanish slaver hoisted the Spanish colours, thinking to escape, and was seized. There was no interruption here with legitimate commerce; they were vessels with slaves, and were seized by the joint operations of America and this country. I cannot, therefore, help entertaining a sanguine hope, that if a determined effort be made by the joint action of the United States, France, and Portugal, with this country, that effort will be successful. Under these circumstances, I trust the hon. Gentleman will take the advice of the noble Lord, and, in the present state of the House, not press his Motion to a division. Had there been a fuller House, I should have been prepared to enter at greater length into the question. I do not think there is any evidence whatever to justify the House in adopting this Motion. The loss of life and the expenditure of money to which the Motion refers, are no doubt open to objection; but I think, nevertheless, that upon the whole, it greatly contributes to the mitigation of the horrors of the Slave Trade. Whatever the amount of the present evils may be, I believe that if, at the present moment, you withdraw your squadron from the coast of Africa, and permit the unrestricted import of slaves into Cuba, but above all, into Brazil, you will give an impetus to the Slave Trade, which will render future efforts to suppress it useless.

Under these circumstances, and seeing the cordiality with which France, Portugal, and the United States, are co-operating with this country for the suppression of the Slave Trade, I do hope that the hon. Member will consent to withdraw his Motion.

Sir *C. Napier* could not agree with the hon. Member for Gateshead, or with the noble Lord, in the propriety of abandoning the blockade on the coast of Africa. If we now, with the favourable prospects before us of putting down the Slave Trade, abandoned the blockade, we should see the coast of Africa converted into a regular place for the rendezvous of vessels, and in all probability they would find regular convoys. That the middle passage had been rendered worse by the blockade there was no doubt, and frequently slaves were thrown overboard when the vessels were chased. Still those were evils which it was impossible altogether to prevent. The gallant Admiral had told them that the profits of the Slave Trade were not so great as they had been, for out of forty-five vessels captured only twelve had slaves on board, which proved that only a portion of the number fitted out of the coast of Africa could succeed. He thought, therefore, we ought to persevere, and to put out our energies, which if they had been properly used, the Slave Trade would have been put an end to long ago. We had now taken up the matter seriously; we had steam-vessels on the coast, and forty-five sailing vessels; and if the right hon. Baronet gave equal assistance with what he was likely to receive from America, he would put down this trade. The gallant Admiral had told them what must be very gratifying, that the loss of British life was not more than 4 per cent.; in fact, he thought he said it was only 2 per cent. It would have been well if they had been told also the percentage of men who were invalided and sent home; but if we only lost 4 or 5 per cent. of the men employed, the experience gained by the officers and men on the coast would well repay that small loss of life. He was also glad to hear from the right hon. Baronet that Portugal had, at last, taken vigorous steps to support our Government. He would have entered into the question of the new Treaty with France, but it seemed to be generally understood that all observations on that point were to be left till the subject of that Treaty was regularly before the House; and he would, therefore, only add, that he perfectly c ncurred with the right hon. Baronet in the propriety of withdrawing the present Motion.

Viscount *Palmerston* rose to address the House; but

An hon. *Member* having moved that the House be counted, and only twenty-nine Members being present,

The House adjourned at a quarter past nine o'clock.

HOUSE OF COMMONS,

Wednesday, June 25, 1845.

MINUTES.] BILLS. *Public.*—1ª. Foreign Lotteries.

Reported.—Lunatic Asylums and Pauper Lunatics; Lunatics; Statute Labour (Scotland); Scientific and Literary Societies; Merchant Seamen.

3ª. and passed:—West India Islands Relief; Sir Henry Pottinger's Annuity.

Private.—2°. Lord Barrington's Estate; Dublin Pipe Water (No. 2).

Reported.—London and South Western Railway (No. 1); Metropolitan Extension (re-committed); Norwich and Brandon Railway and Diss and Dereham Branches.

3°. and passed:—Falmouth Harbour Improvement.

PETITIONS PRESENTED. By Mr. H. Johnstone, from Members of the Presbytery of Dumfries, for Better Observance of the Lord's Day.—By Captain Gordon, from Provincial Synod of Aberdeen, against Universities (Scotland) Bill.—By Mr. Drummond, from St. Andrew's, and Lord J. Stuart, from Maybole, in favour of Universities (Scotland) Bill.—By Mr. M. Gibson, from Merchants and others of Manchester, for Enforcing Observance of Treaty with Buenos Ayres.—By Mr. Hawes, from Oxford, and Wisbeach, against Importation of Hill Coolies into the Colonies.—By Mr. Hawes, from Huddersfield, in favour of the Ten Hours System in Factories.—By Mr. Goring, from several places, in favour of Lunatic Asylums and Pauper Lunatics Bill.—By Mr. J. O'Connell, from Kilfre parish, for Alteration of Law relating to Landlord and Tenant (Ireland).—By Mr. Wrightson, from James Falconer, against Parochial Settlement Bill.—By Mr. Hawes, from several Members of the Royal College of Surgeons, for Alteration of Physic and Surgery Bill.—By Mr. Smollett, from several Railway Companies, for Alteration of Poor Law Amendment (Scotland) Bill.—By Viscount Newry and Morne, from Kilkeel Union, for Relief from Payment of Loan.—By Mr. Hawes, from Chichester, for Abolition of Punishment of Death.—By Mr. H. Johnstone, from Annan, and Lochmaben, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Smollett, from Dumbarton, for Alteration of Statute Labour (Scotland) Bill.

BROAD AND NARROW GAUGES.] Mr. *Cobden* said, in rising to bring forward a Motion of which he had given notice, for the purpose of issuing a Commission to inquire into the propriety of establishing a uniformity of gauge for all railways, it was not his intention to go into any theoretical views, for the present, as to the comparative merits of the broad or narrow gauges. He referred briefly to various petitions which he had received on this subject from different parts of the country, and read a few extracts from the same, pointing out the evils and inconveniences

arising from the circumstance of railroads running into, or having communication with, each other, being constructed of gauges of different dimensions. It appeared to him to be a matter which would produce much public advantage, if a commission of engineers was appointed to inquire into and report to the Legislature as to which description of gauge it would be most advisable to adopt generally; or to recommend the drawing of a line of demarcation through the different districts of the country where railroads were already established, in order to point out what gauge was to be used in those districts respectively, taking into consideration the gauges more prevalent in each. And it might be also most advisable to ascertain, through the medium of the same Commission, if possible, whether it might or might not be expedient and feasible to introduce uniformity of gauge throughout the kingdom, when the most desirable one should have been discovered. The hon. Member concluded by moving the following Resolution:—

"That, it having been represented to this House by petitions from various public bodies, as well as from merchants, manufacturers, and others, that serious impediments to the internal traffic of the country are likely to arise from the 'breaks' that will occur in railway communications from the want of a uniform gauge; and these representations not having been fully inquired into by any of the Committees of this House upon Private Bills, and it being desirable that the subject should be further investigated, an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to issue a Commission to inquire whether in future Private Acts for the construction of railways, provision ought to be made for securing a uniform gauge; and whether it would be expedient and practicable to take measures to bring the railways already constructed, or in progress of construction, in Great Britain, into uniformity of gauge; and to inquire whether any other mode of obviating or mitigating the apprehended evil could be adopted, and to report the same to this House."

Mr *M. Philips* seconded the Motion.

Sir *G. Clerk* did not wish to offer any opposition to the Motion of the hon. Member for Stockport, because the question of which it treated was one which had assumed so much importance as to render it very desirable that it should be examined into by a proper tribunal, whose decision might carry weight with it in the opinion of that House. But, at the same time, he would throw out a suggestion for the consideration of the hon. Member opposite, whether it would not be more desirable to omit the latter portion of his Motion, or to modify it, where reference was made to the probability of securing uniformity of gauge on all railroads; as such a subject of inquiry might create no small alarm amongst those interested in railroads already in existence, who had a large amount of capital already sunk in these undertakings, and upon whom any change in the respect alluded to would entail very considerable injury. He certainly agreed in the necessity of taking into consideration the description of gauge to be used in different districts where there were the ramifications of so many railroads in connexion with others already established, and of deciding which was the best one to be adopted by the new projects. As he had observed at first, he had no objection to the Motion before the House; but he would recommend the hon. Member to omit or modify that portion of it to which he had alluded.

Mr. *J. S. Wortley* expressed his satisfaction at the introduction of such a Motion, as well as the manner in which it had been received by the Government, for the time had arrived when it became necessary to take some steps in this matter; but as it was only a subject for inquiry into all bearings of the question, he did not conceive the hon. Member for Stockport (as he was understood) ought to omit the part of his Motion which was suggested.

Mr. *F. T. Baring* would be sorry if the Government objected to the fullest possible investigation into all the merits of a subject which was so important, and upon which it was so expedient to arrive at a satisfactory conclusion.

Mr. *Ricardo* also advocated the necessity of instituting a full inquiry into the subject of the best gauge to be established, as well as for the purpose of obviating the acknowledged inconvenience of different gauges on railways in communication with each other.

Lord *G. Somerset* was understood to concur generally in the view taken of the subject under discussion by Sir G. Clerk.

Mr. *Ward* highly approved of the proposition of his hon. Friend the Member for Stockport; but at the same time he confessed, he feared it would be impossible to obtain a uniformity of gauge now throughout the country. His suggestion, however, for drawing certain lines of demarcation through the various districts of the king-

dom, and determining on the gauge to be adopted by new railroads on those, taking into consideration the description of gauge most used on them at present, was a very useful and legitimate subject for inquiry by such a Commission as that proposed.

Mr. *Shaw* also concurred in the necessity of establishing such an inquiry as that recommended by the hon. Member for Stockport; but considered it very essential for the public benefit that no time should be lost, if it were once commenced, in coming to a decision on this important subject. It was of great moment that as little delay as possible should take place in conducting it to a termination.

Mr. *Cobden* briefly replied.

Motion carried *nem. con.*

DOG STEALING.] On the Motion for going into Committee on the Dog-Stealing Bill,

Mr. *David Dundas* wished to call the attention of Her Majesty's Government to this Bill. One of the provisions introduced in the measure was, to make a man liable to transportation for seven years for stealing a dog; but after the recent amendments which had been made in the criminal law, he thought it ill became any one who wished well to the criminal jurisprudence of this country, to permit such violent penalties to be rashly introduced into our criminal code. He fully concurred in all that could be said in praise of the motives which induced the hon. Member (Mr. Liddell) to bring in the Bill; but he, at the same time, thought it was the duty of the Government to step in and prevent the passing of any provision which would impose a penalty of transportation for seven years for the stealing of such an article as a dog. He also thought that the law, as it at present stood, quite sufficient for all exigencies that might arise. By the Statute of the 7th and 8th Geo. IV., a penalty of 20*l.*, over and above the value of the dog, could be imposed on any person stealing it; and for a second offence, imprisonment for twelve months, with hard labour, might be imposed in default of payment. The Act also authorized a magistrate to issue a search warrant in cases where dogs had been stolen; and, under these circumstances, he thought no alteration of the law was really necessary. A person did not commit felony by stealing a ferret or any such animal; and he would wish to know what distinction could be drawn between a favourite cat and a favourite dog, that would justify them in making the stealing of one a larceny, while the stealing of the other was not larceny. The hon. Member for Cockermouth, who had much experience in criminal law, had stated that he would much rather see men tried before a judge and jury than before a justice. He concurred fully in that opinion, if the sentence was to be transportation for seven years; but while the law, as it present stood, gave powers to magistrates to suppress the crime of dog stealing, he did not wish to see it altered until it was proved to be insufficient.

Mr. *Henley* said, in his neighbourhood the crime of dog stealing was very little heard of; but still he had been informed that there was a difficulty in procuring search warrants in instances where dogs had been stolen. It was thought that the cases were such as to render it hardly worth while to take that course, and it was also feared that the issue of a warrant would induce the parties to cut the dog's throat.

Sir *J. Graham* said, he would advise his hon. Friend not to persevere in fixing the penalty for dog stealing at transportation for seven years. But he wished, at the same time, to remark to the hon. Gentleman opposite (Mr. Dundas), who had objected to that penalty, that there were some strange anomalies in the law as it now stood. He had been credibly informed that in one case, where a dog worth 25*l.* or 30*l.* had been stolen, the indictment against the offender had been laid, not for stealing the dog, but for the felony of the collar, which happened to be worth 7*s.* 6*d.* The party was convicted, and was at present undergoing the sentence of transportation for the offence. He was not going to enter into any argument with the hon. Member in reference to the nature of the penalty that ought to be imposed for dog stealing; but he would beg leave to ask whether it were not surely a fiction in the law which would not allow a person to be indicted for stealing a dog worth 20*l.*, while he could be transported for stealing a dog-collar worth 7*s.* 6*d.*? A very short time ago, the penalty of death was attached to the larceny of a sheep; and it was now transportation for life. The same state of the law applied, he believed, to the stealing of a jackass: and he would wish to know why they were to transport a person for life for stealing a jackass, or for seven years for stealing a dog-collar worth 7*s.* 6*d.*, while no indictment could be preferred for stealing a dog worth 20*l.* and upwards?

Mr. *Liddell* was quite prepared to take the advice which had been so kindly offered to him by his hon. Friend opposite, and by his right hon. Friend the Home Secretary, with respect to the propriety of withdrawing the penalty of transportation for seven years. He was very glad that the right hon. Baronet had alluded to the anomalous state of the criminal law in reference to dog stealing, as that was one of the reasons which had induced him to bring in the Bill. There was also another motive which influenced him in doing so. It should be recollected that the penalty of transportation would be the maximum penalty, and that it would not reach casual offenders, but the members of the gang of regular dog stealers who existed in this metropolis in order to commit these thefts, and then extort exorbitant sums from the owners for their restoration. It was when the character of these persons was known to the judge and jury through the police, that the penalty of transportation for seven years would apply for a repetition of the offence. He did not, however, conceive that penalty essentially necessary for the success of the Bill, as there were other portions of it which he thought would amply effect the object which he had in view; and he had, therefore, the less objection in giving it up. One of the reasons why search warrants were not alone sufficient was, that stated by his hon. Friend the Member for Oxfordshire (Mr. Henley), that dogs were frequently destroyed when it was known that search warrants for their recovery were issued; and another reason was the extreme difficulty of knowing in which of the many receptacles for stolen dogs that existed in the metropolis the animal was probably detained, so as to be able to state the matter on oath in the information. He did not profess to provide a remedy in that Bill for all cases that might occur; but he believed his Bill would give facilities for the detection of offenders which did not now exist. Without trespassing farther on the time of the House, he hoped the Bill would be then allowed to proceed in Committee.

Mr. *Escott* thought the distinctions in the law of property, which that Bill sought to do away with, had been originally introduced for very wise and beneficial purposes; and that if the alteration made by the present Bill were hereafter carried further, it would produce very bad effects in the criminal jurisprudence of the country. He would, therefore, wish to resist it at once. It was said that greater facilities were necessary for searching after stolen dogs; but he thought they could not be adopted without an increase of the penalty attached to the offence. When the Bill was first introduced, it was generally supposed that there were no means of punishing a person for dog stealing; but so far from such being the fact, it now appeared that a penality of 20*l.* over and above the value of the dog might be imposed. If his hon. Friend opposite (Mr. Dundas) divided against the Bill, he would be happy to join with him in doing so; and, at all events, he trusted the sense of the House would be taken on the third reading of the Bill.

House in Committee.

On the 2nd Clause,

Mr. *Hawes* moved the omission of the clause, as he thought the law as it at present stood sufficiently stringent.

Mr. *Liddell* said, he had advisedly constituted the offence of dog stealing a misdemeanour in the clauses. He did not agree with the hon. Member for Winchester (Mr. Escott), in thinking that the distinction in the law, which refused to admit dogs or other animals kept solely for the pleasure and gratification of the owners to be regarded as property, was a wise one, especially as dogs were, from their utility and sagacity, to be in many cases considered in a very different light.

Mr. *Watson* thought the penalty inflicted by the clause too much for stealing all the dogs in England.

Mr. *Curteis* said, as a sportsman and a farmer, he should stand up to support the value set upon dogs. He could assure hon. Gentlemen that the loss of a valuable sporting dog was a very serious matter indeed. Without giving any opinion as to whether the penalties proposed to be fixed by the Bill were too stringent or not, he wished, as one who kept a great number of sporting dogs, not only for his own amusement, but for that of his friends and tenants, to bear testimony to the great value which was, in many cases, set upon them.

Mr. *Williams* said, as the hon. Member (Mr. Liddell) had already made a very liberal concession in withdrawing the penalty of transportation from the clause, he did not think there could be much difficulty in allowing it to pass.

Mr. *Borthwick* considered that the dogs which this Bill was intended to protect, were the very worst species of dogs. They

were a race of dogs which were only admired for their extreme ugliness. He believed that more persons died of hydrophobia from bites by these pet dogs, than by any other description of dogs. He should support the Bill, however, as it would tend to put down a bad association.

Mr. *Hawes* said, that this and the following clause appeared to him to be so objectionable, that he should divide upon it.

The Committee divided on the Question, that the clause stand part of the Bill:—Ayes 33; Noes 6: Majority 27.

List of the AYES.

Berkeley, hon. Capt.	Hope, A.
Borthwick, P.	Lincoln, Earl of
Brotherton, J.	Mackinnon, W. A.
Buller, C.	Manners, Lord J.
Busfeild, W.	Marsland, H.
Cardwell, E.	Newry, Visct.
Clive, Visct.	Protheroe, E.
Craig, W. G.	Repton, G. W. J.
Curteis, H. B.	Russell, J. D. W.
Dalmeny, Lord	Sutton, hon. H. M.
Duff, J.	Thesiger, Sir F.
East, J. B.	Vivian, J. H.
Fitzroy, hon. H.	Williams, W.
Fuller, A. E.	Wodehouse, E.
Gore, M.	Yorke, H. R.
Goulburn, rt. hon. H.	TELLERS.
Graham, rt. hn. Sir J.	Liddell, hon. H. T.
Henley, J. W.	Beresford, Major

List of the NOES.

Escott, B.	Wawn, J. T.
Hindley, C.	
Trelawny, J. S.	TELLERS.
Warburton, H.	Bouverie H.
Watson, W. H.	Hawes, B.

The remaining clauses agreed to, and the House resumed.

SMOKE PROHIBITION BILL.] House in Committee on the Smoke Prohibition Bill, which was discussed at considerable length. Three Amendments were proposed; first, to omit steam-furnace chimneys for all kinds of mineral works; second, to omit those for iron works only; and third, for reporting progress and stopping the Bill, which engaged the House the whole of the evening. Finally, the Bill went through Committee, and was ordered to be reported.

The House resumed, and adjourned at twelve o'clock.

HOUSE OF LORDS,
Thursday, June 26, 1845.

MINUTES.] BILLS. *Public.*—1ª. West India Islands Relief; Sir Henry Pottinger's Annuity; Games and Wagers Act Amendment.

2ª. Granting of Leases; Outstanding Terms.

Reported.—Banking (Scotland); Heritable Securities (Scotland); Infeftments (Scotland).

3ª. and passed:—Military Savings Banks.

Private.—1ª. Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway, and Bury Extension); Cork and Bandon Railway; Keyingham Drainage; West London Railway Extension and Lease; Sheffield Waterworks; Westminster Improvement; Falmouth Harbour.

2ª. Blesington Estate (Earl of Charleville); Harwell and Streatley Road; Cromford Canal; Hartlepool Pier and Port; Manchester, Bury, and Rossendale Railway (Heywood Branch).

Reported.—Glasgow Bridges; White's Charity Estate; Agricultural and Commercial Bank of Ireland; Blackburn and Preston Railway; Trent Valley Railway; Whitehaven and Furness Railway; Eastern Union (Bury St. Edmund's) Railway; North Wales Railway; North Woolwich Railway; Dundalk and Enniskillen Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch); York and North Midland Railway (Harrogate Branch); Shaw's Waterworks; Glasgow, Garnkirk, and Coatbridge Railway; Crediton Small Debts.

3ª. and passed:—Earl of Onslow's Estate; Morden College Estate; Lord Monson's (or Countess Brooke and of Warwick's) Estate; Heaviside's Divorce; Dundee Waterworks; Kidwelly Inclosure; London and Greenwich Railway; Kendal Reservoirs; North British Railway; Belfast and Ballymena Railway; Blackburn Waterworks; Manchester Court of Record; Newcastle-upon-Tyne (Tynemouth Extension) Railway; North British Insurance Company.

PETITIONS PRESENTED. From Bath Easton, and 3 other places, for the Better Observance of the Sabbath.—From Bath Easton, and several other places, for the Better Regulation of Beer Houses.—From Aughmacart, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By the Duke of Buccleuch, from Provincial Synod of Aberdeen, against the proposed measure relating to Universities (Scotland).

ATTENDANCE OF PEERS ON COMMITTEES.] Order of the Day for the attendance of Lord Gardner in his place, to state to the House the reasons for his not attending the Select Committee on the Glasgow Bridges Bill, read,

Lord *Gardner* said, that not being in the habit of speaking in the House, he had prepared a statement upon paper, which, with the permission of their Lordships, he would read. The noble Lord then read a statement, which was, in substance, that his non-attendance upon the Committee in question was occasioned by no disrespect towards their Lordships; that he was ignorant of the Standing Orders, and therefore considered himself incompetent to adjudicate in Committee upon points arising out of them. He had, moreover, a conscientious scruple against serving upon Railroad Committees, as he had some years ago become a shareholder in almost all the trunk lines; and he did not conceive it proper to place himself in a position in which he might become in a manner a judge in his own case. He had been asked by his noble Friend (the Earl of Besborough) to be a member of the Committee

in question; but he had considered it rather in the light of an invitation which might be accepted or declined at pleasure, than as an Order of the House, which must be obeyed. He had no objection to serve if required; but he thought that the right rev. Prelates in that House ought to perform their fair share of the business of these Committees, and he would give notice of a Motion on the subject.

The Duke of *Richmond* could not understand how the noble Lord's being a shareholder in railways could operate in preventing him being a Member of the Glasgow Bridges Committee. The Committee on which the noble Lord had been appointed to serve, had nothing to do with railways at all, and it was not apparent how the noble Lord's conscientious scruples were applicable in the present case. He must inform the noble Lord that it was not his noble Friend (Lord Duncannon) who had required his attendance on the Committee in question, but the Select Committee for recommending the Members of the different Private Committees, the recommendation of which Select Committee was enforced by a vote of their Lordships' House. The noble Lord had said he had no objection to serve upon Committees, if the right rev. Prelates in that House performed their share of duty. The noble Lord was not only perfectly ignorant, as he had acknowledged, of the Standing Orders, but of what had occurred within the last three weeks. There had been many right rev. Prelates on Committees; and to their credit be it said, they had never declined when their services had been requested. He would remind the noble Lord that Peers possessed many privileges; that they were exempted from numerous offices which other gentlemen had to serve; but with their privileges they had duties also, and this was one of them. It was only necessary to add that in having moved that the noble Lord should attend and give an explanation of the cause of his absence, his (the Duke of Richmond's) only object had been to maintain the high character of their Lordships, which would be injured in the eyes of the country, if it appeared that Peers wished to shrink from the performance of their duties.

The Earl of *Besborough* agreed that Peers were bound to attend, and if they did not, they would not only be disobeying the Order of the House, but neglecting the business of the country; and he explained that he had informed his noble Friend that attendance was compulsory.

The Earl of *Malmesbury* did not deny the existence of the great powers that had been ascribed to their Lordships in cases of non-attendance; but when heavy fines were spoken of, and the sending Peers to the Tower, he did not think that such a course could be taken practically with respect to the Railway Committees, for they must have the feeling of the country with them in the adoption of such extreme measures. He had already served on one Committee, and he was ready to serve again; but when noble Lords spoke of resorting to stringent proceedings against those who absented themselves from these Committees, it should be remembered that there were about two hundred Peers who never came near the House at all; and if the law of Parliament was to be put in force at all, it should be against all alike, both those who were in the habit of attending the House, and those who never came, so that the public might see that all Peers were upon the same footing.

Lord *Brougham* said, there was not the least doubt that the House had the powers to which he had before adverted. On one occasion, before he had the honour of being a Member of their Lordships' House, all Peers had been compelled to attend on the service of the House for six or eight weeks, and had been compelled to give up the whole of their vacation. He agreed with the noble Earl that all Peers who had taken their seats in that House should be placed on the same footing; and those who were in the habit of attending the House on other business, ought not to be punished with greater severity than those who never came near the House at all.

Lord *Redesdale* did not perceive the necessity of calling Peers from a great distance, if a sufficient number were in town to perform the necessary duties. Such a course would at least be discourteous to their brother Peers. The noble Lord had rather misunderstood the nature of the duties which would devolve upon him in attending a Committee. They did not necessarily require so perfect an acquaintance with the Standing Orders as the noble Lord seemed to suppose, but were such as, were he not a Peer, he would be very likely to be called upon to perform as a juryman.

The Marquess of *Clanricarde* said, that undoubtedly all Peers ought to attend; but if they were to summon Peers for the

express purpose of attending these Railway Committees, they would be adopting a novel course of proceeding; for all the precedents of this kind on the Journals related to matters of much graver import, such as the consideration of matters of State. Moreover, if they were to compel Peers to come from a distance for the express purpose of attending these Committees, the question was, whether they would attend them in a spirit and temper best calculated for the discharge of the duty.

Lord *Gardner* then gave notice of Motion to the effect that the Lords Spiritual, as well as Temporal, be summoned and compelled to attend the House, beginning with those of the highest rank, and so continuing until the whole of their Lordships had served.

The Duke of *Richmond* repeated that the Lords Spiritual had attended the Committees without any excuse, and without pleading ignorance.

The Duke of *Wellington* said, that if the House was in course of performing those duties with regularity, and if they were going on in a satisfactory manner, he entreated their Lordships to discontinue this discussion. When there was a difficulty in finding Members for these Committees, let their Lordships consider what course ought to be adopted. Meanwhile he thought that all the Members of the House would lend their aid in carrying through the duties.

Lord *Brougham* said, he believed the form now would be, to enter on the Journals that Lord Gardner having attended in his place, and explained the cause of his non-attendance, the Order was discharged.

The House proceeded no further in the matter.

Statutes against Recusants.] Lord *Beaumont* wished to put a question to the noble and learned Lord on the Woolsack with reference to the Report of the Criminal Law Commissioners. Their Lordships were aware, that in consequence of what had taken place since the Bill passed through that House, supported by the noble and learned Lord, repealing certain Acts against the Roman Catholics, it was thought advisable to appoint a Commission to investigate the state of the laws, not only as they bore on Roman Catholics with respect to the practice of their religion, but also on the position of Protestant Dissenters and Jews. That Commission had fulfilled the duties entrusted to them in a manner which must be considered by all who had read their Report, to be one displaying the greatest industry and sagacity. The Commissioners recommended that the Penal Statutes, against recusants should be repealed; that the Jewish religion should be protected by law as well as the Roman Catholic; and that one form of oath and declaration should be substituted for the many now in use throughout England, Scotland, and Ireland, in the case of candidates for public offices. He should put the question to the noble and learned Lord, of which he had given notice, whether it was proposed to lay on the Table this Session, a Bill to carry out the recommendations of the Commissioners?

The *Lord Chancellor* said, his noble Friend, in putting a question to him with respect to the Report to which he referred, had done no more than justice to the learned persons upon the Commission, in the commendations he had bestowed on their industry, and the accuracy and intelligence with which they had performed their duties. Every person who turned his attention to the subject must consider that it reflected great credit on them. In answer to the question, he begged to say that he had directed a Bill to be prepared on the footing of their Report; but when it was considered that there were more than 700 Acts of Parliament to which their Report applied, it must be admitted that no little consideration and trouble were required for framing such a Bill. That work was now in the hands of persons in whose industry and care they might confide to produce it as soon as they could, consistently with the necessary examination and reflection demanded by the subject. The Bill would be produced as soon as the Commissioners were able to lay it on the Table of the House.

The Earl of *Ellenborough* could not help thinking that any Bill merely confined to repealing certain Acts, and parts of Acts, would be extremely inconvenient. It was essential that the public should know how the law really remained; otherwise, the uncertainty consequent upon leaving it vague or undefined, might lead to great mischiefs. It was a subject requiring extreme consideration from his noble and learned Friend, and those whom he might employ. But he hoped that the new Bill, when it was prepared, would be such as to enable all classes of Her Majesty's subjects to understand the law under which they were living.

The *Lord Chancellor* said, the persons to whom he had committed the framing of the Bill were the Commissioners themselves, and they in every way deserved the confidence of their Lordships and the public.

Lord *Brougham* concurred with his noble Friend opposite, that it was of extreme importance that the new Bill should plainly state the law. Time should be taken to draw the Act, and it should be prepared during the long vacation.

The *Lord Chancellor* said, that when the Bill had been laid on the Table and printed, it would be for their Lordships to consider whether it would not be proper, looking to the extent and variety of the matters to which it referred, that it should stand over to the next Session; but it was quite premature to decide that at present.

Lord *Monteagle* observed, that the same confusion of ancient laws, absurdity, and injustice, which it was the object of the Commission to remove in England, existed in the Statute Book of Ireland; and it was a matter of extreme importance that the improvement they contemplated with respect to the Statute Law of England, should be contemporaneously extended to Ireland. It would be better to remedy it by the same Bill, if possible, than by separate Statutes.

The *Lord Chancellor* said, the Bill would extend to England, Scotland, and Ireland. In framing their Report, the Commissioners had had the assistance of the Attorney General of Ireland for the law of that country, and of the Lord Advocate of Scotland for the Scottish law. He hoped also to have the assistance of their Lordships to supply any omissions that might be found in the Bill, but he did not expect that there would be any.

Lord *Beaumont* said, the actual object of the Commissioners was to remedy the state of the law in England, Scotland, and Ireland.

The *Lord Chancellor:* Perhaps the noble and learned Lord himself will have the goodness to draw the Bill.

The Bishop of *London* said, it should be distinctly understood that Her Majesty's Government would not press the Bill through more than its first stage during the present Session.

TENANTS COMPENSATION (IRELAND) BILL.] Lord *Stanley* moved the appointment of the Committee on this Bill.

The Marquess of *Londonderry* declined to serve on it. He had already expressed his opinion very decidedly on this measure, and maintained, that if the compulsory clause were omitted it would be a dead letter; if inserted, it would be the means of interfering between landlord and tenant in a manner prejudicial in the highest degree, especially in that part of Ireland with which he was connected.

The Earl of *Lucan* gave notice, that if this Bill came in its present shape from the Committee, he should move its extension to Scotland and England.

The Marquess of *Clanricarde* also begged to be excused from attendance on this Committee. His objections to the principle of the Bill were so extremely strong, that it would be a farce to go into Committee with the view of improving its provisions. The new principle of this measure was not the compensation to tenants, but the appointment of a Government officer in Dublin, with power to interfere between landlord and tenant. The opposition to this Bill had been much misrepresented; for the noble Mover of the Bill, and the noble Earl at the head of the Commission, treated it as if directed against the provision for granting compensation to tenants, and not against the nomination of this new officer in Dublin. Now, he for one must say, that if the noble Lord (Lord Stanley) moved a Resolution or introduced a Bill directing that compensation should be awarded to tenants for improvements effected on estates, he should not only support it, but do all in his power to carry it into effect. He must say, too, that they were mistaken who supposed that this question had been considered solely as a landlord's question; he maintained that this Bill would do no good to the tenants, to whom it professed to give compensation. It had been said, that this measure would not apply to good landlords; that if landlords and tenants agreed well together, and that due consideration was had for the latter, this Bill would not at all interfere with the relations which subsisted between them. But they might be sure that landlords and tenants would come together with very different feelings, if the latter had an opinion that there was a Commissioner in Dublin, to whom on every occasion of dispute they might appeal. How did this Bill operate as against an adverse landlord? Take it as affecting three classes of tenantry—those having leases likely to last for a considerable time, those that would last but for a short time, and those who were tenants at will. Those

who had seven or fourteen years of a lease to run would find the occupation infinitely more profitable than any award that might be granted by the Dublin Commissioner. As for the tenant at will, the notice of appeal would be a notice to quit. But it was said that it would be a great thing for the widow, who was often turned out on the death of her husband, if she had an allowance for any improvements that were made. Did or could the landlord turn out a person so situated at present? Take care, however, that if this Bill passed, it would not give a sanction to so harsh an act, and almost compel the landlord to pick and choose from those who would, in such circumstances, stand in a position equally indifferent to him. But there was another unfair provision in the law: it proceeded on the principle that there was to be no change in the value of agricultural produce. Now it was imagined that protection to agriculture in this country increased the value of the land. It was true the price of agricultural produce could never be kept up to the degree calculated upon; for the price, which it was thought protection would ensure, instead of being 63*s.* or 56*s.* per quarter, for corn, was now but 47*s.* But how did this Bill propose to deal with the fluctuations in the value of land? Why, by declaring the landlord should never raise his rent until the whole value of the improvements was paid; and this, though the value of the land by a rise in the price of produce might be greatly increased. It acted as a bar to the landlord and tenant coming to a fair agreement as to the value of the land. These were tenants' and not landlords' arguments against the Bill. But the great argument against it was, that it would excite bad blood between landlord and tenant. The tenant was the weaker party, and if tempted to a struggle he must come off worse. This measure was opposed by every party in Ireland. He had not read the whole of the evidence taken before the Commission. He doubted whether any noble Lord had; but in what he saw of it, he found nothing new. The facts deposed to were brought out over and over again; and he could not help thinking that if, instead of issuing this Commission, they had a year ago referred the whole subject to a Committee up-stairs, there would now be effected a solid improvement in the law. The only authority for the present measure was the noble Earl at the head of the Commission, as he understood that his Colleagues by no means pledged themselves to such a step. "Who are the supporters of this measure? Remember that one great argument against your legislation made use of by the Repealers is, that you constantly pass laws, not in opposition to one but to all classes in that country. And I say that is a most dangerous state of feeling. Some years ago I had a conversation on this subject with an hon. Gentleman, who has since become a distinguished member of the Repeal Association, but who was then opposed to Repeal. He said to me, 'I have been many years a Member of the British House of Commons, and I have found that on all questions, except those relating to Ireland, I am listened to with attention; but I have often felt that the very fact of my being an Irish Member, lessens my influence on Irish subjects. I am not a Repealer, he said, for I see many objections to such a measure; but if the Legislature proceed in the same course, I do not see what good I can do in a British House of Commons, and must support the proposal of an Irish Parliament for Irish affairs.' I tell your Lordships that is a feeling widely spreading in Ireland. They tell you in their petitions that matters relating to the internal state of the country are not attended to, and that the views and votes of those connected with the country are overruled by those not acquainted with it. Now, I maintain this Bill justifies that description. There was a petition respectfully, firmly, and calmly drawn up, and signed by a number of noble Lords, supporters of the Government. These are men, to whom the Government, having no Irishman in the Cabinet, may be naturally supposed to look for advice; but they reject their advice, they despise their guidance, and force on Parliament a measure opposed to the wishes of every one who understands the subject; for my noble Friends near me (the Marquess of Lansdowne and Marquess of Normanby), though they voted for the second reading, can hardly be reckoned upon as strenuous supporters of the measure. All the authorities out of the House—all the organs of all parties in Ireland, are opposed to this measure. Everybody is favourable to the consideration of the principle which it professes to carry out; but you (the Government) say you will not go into that question, except on an understanding that it is a violation of the rights of property, and which will never be admitted in any part of Great Britain. I move,

as an Amendment, that my name be omitted."

The Marquess of *Londonderry:* I rise to correct a mistake into which the noble Marquess has fallen. He says there is no Irishman in the Cabinet. Now, there is the noble Duke (the Duke of Wellington) at the head of the Government. Besides, there are two distinguished men, who, though not Irishmen, have filled the office of Secretary in Ireland, and to whose opinions in general I should readily bow, though I conscientiously differ from them on this occasion.

Lord *Stanley* considered it was a singular proceeding on the part of the noble Marquess—on a Motion for appointing a Select Committee—that he should have taken such an opportunity of entering into a full discussion of the merits of a Bill which had already been fully discussed at the proper stages. He hoped the noble Marquess would acquit him of disrespect and discourtesy if he declined to follow him into any arguments he had brought forward. With respect to the objections raised to acting on the Committee, he believed there were precedents for noble Lords serving on Committees against the object of which they had strong objections. He could not, however, but admit the validity of the objections of the noble Marquess; and though he should regret his absence, he should not press for his name as one of the Members. His object in forming this Committee had not been to place on it the names only of those who were supporters of the Bill, and on whom, therefore, Government might rely for a favourable verdict; his object had been to have the opinions and the decisions of noble Lords in this Committee most likely to carry the greatest weight with the public—be those opinions and decisions in favour or against the measure—because the public would then be satisfied that whichever way the verdict went, the question before the Committee had been tried fully and fairly. He could not have reconciled the proceeding to himself, had he omitted the names of noble Lords who had so great a stake in Ireland as the noble Lords who had raised objections to serve on the Committee. The noble Marquess (the Marquess of Clanricarde) had stated there was a disadvantage felt by Irishmen, in Her Majesty's Government legislating for Ireland. Now, he had been anxious respecting this Committee, to submit the question only to those who were best acquainted with its bearings, and most deeply interested in its results. Out of twenty-one names forming the list, no less than fourteen were directly interested and personally connected by property with Ireland, and out of this number no less than seven were constant residents in Ireland. He had taken names from both sides of the House indiscriminately; his only wish was to submit the question to an impartial consideration, and his only aim, not to select parties merely because they were favourable to Government. In fact, he believed the majority of them on the list had expressed themselves doubtfully with respect to portions of the measure. He repeated, his sole and single view in forming the Committee was to obtain the best and most impartial tribunal to which to submit the question; and this being so, though he should regret the absence of the noble Lords, still he could not press them to let their names remain on the list. The two noble Marquesses opposite were both opponents of the measure. The removal of their names would reduce the number to nineteen; but if their Lordships should wish to substitute for them the names of any two other noble Lords known to be opposed to the Bill, he could only say he would readily accede to their nomination, or that of any other noble Lords who might be offered as substitutes.

The Earl of *Lucan* said, the noble Lord took great credit to himself for the impartiality with which he had selected the Committee; whereas out of twenty-one noble Lords there were only five nominated who had voted against the second reading of the Bill, while the other sixteen had all voted for it, or were known to be supporters of it. He thought it his duty to call previous attention to the constitution of this unfair and prejudiced Committee.

The Marquess of *Normanby:* The state of his health would not allow him to remain more than a few days longer in that House; but if he saw any prospect of coming to a satisfactory conclusion as to this Bill, there was no amount of personal inconvenience which he would not undergo for the sake of arriving at such a result. He had waited for the second reading, not because he approved of the whole measure, but because he was unwilling to take on himself the responsibility (seeing the division was a very close one) of refusing the Government an opportunity of stating their case. He had since looked at the Bill more attentively; and he was bound to say he did not see the most remote pro-

bability of arriving at a satisfactory conclusion with it. He spoke as one unlearned in the law; but it struck him as one of the worst drawn-up Bill she had ever seen. He should move that his name be also omitted.

The Earl of *Roden:* After the statement made as to the composition of the Committee, he thought it would be fruitless for those opposed to the principle of the measure to serve on it. He must, therefore, move that his name be withdrawn.

Lord *Brougham* must be allowed to say that, however plausible the reasons given for declining to serve on this Committee, they had, in his opinion, no validity whatever. Details were constantly discussed in that House, when they differed on the principle. If noble Lords failed in improving this measure, they could vote against it in Committee of the whole House, or on the Report; but they would do good service to their country if they improved in any way the relation between landlord and tenant, even though they might not succeed in altering this Bill as much as they desired.

The Earl of *Wicklow* said, that on looking over the names, his impression was directly the reverse of that of his noble Friend (Lord Lucan) as to a preponderance of Peers in favour of the Bill. He hoped his noble Friend (Lord Stanley) would persevere, seeing that he admitted the other night, that if every objection then urged to the Bill was acceded to, a good measure might still remain for their decision.

The Marquess of *Londonderry* observed, that as to the noble and learned Lord's (Lord Brougham's) dictation, given in so decided a manner, he could not submit to it. He could not sit on the Committee; for he was directly opposed to the principle of the Bill. He predicted, that in the course of a few weeks, petitions would be presented from all the tenantry of Ulster against this Bill.

The Earl of *Lucan* thought the propositions of the proposed Committee were unfair and unjust, consisting as they did of sixteen to five. The list only contained two names of the Peers who had signed the remonstrance against the Bill read the other night. Indeed, he could not help saying that the noble Lord (Lord Stanley) deserved praise for the ingenuity with which, not to say it harshly, he had packed the Committee.

Lord *Stanley* said, that the noble Earl behind him ought not to be the person to complain of strong expressions; for when he first rose he charged him (Lord Stanley) with having selected an unfair and partial Committee, and he now improved upon that language by calling it a packed Committee. He said, that sixteen of its Members were in favour of the Bill, and only five opposed to it. Now he (Lord Stanley) would come to names, and he thought that he could show the House that though it was certainly true that there was a majority of Peers proposed to be placed on this Committee who had voted in favour of the second reading of the Bill, yet if they would examine the list with reference to one of the most material principles of the measure, the compulsory clause, they would find that there were certainly nine—he believed ten—of the twenty-one who had expressed themselves adverse to that principle, and only eight—if, indeed, there were so many—who had spoken in its favour. Four Members of the Committee had expressed no opinion on the subject; and upon his honour as a gentleman, he had no idea of the view which they would be inclined to take of it. Now there voted against the second reading the Marquess of Hertford, the Earl of Roden, the Marquess of Clanricarde, the Earl of Rosse, the Marquess of Londonderry, and Lord Monteagle. All these voted against the principle of the Bill, and against its being read a second time. Again, the Marquess of Lansdowne, the Marquess of Normanby, and the Marquess of Salisbury condemned in the strongest terms the compulsory clause. Therefore, in this so-called packed Committee, consisting of twenty-one Members, there were no less than nine (and he believed, although he was not certain of it, he might add to that number the name of a noble Duke upon the cross benches)—at all events, there were at least nine—who had declared themselves decidedly opposed to the compulsory clause of the Bill. Then there were favourable to that clause the Lord President, the Lord Privy Seal, the Earl of Devon, Earl Fortescue, the Earl of Wicklow, the Earl of St. Germans, the Earl of Besborough, and Lord Stanley—in all eight. Thus seventeen of the twenty-one were accounted for. He did not know the opinions of the Duke of Cleveland, of Earl Fitzwilliam, the Earl of Chichester, or of Lord Ashburton. Thus there were four of the proposed Members of the Committee of whose opinions he was ignorant.

Eight were in favour of one of the most important clauses, and nine had declared their hostility to it. Such was the composition of the Committee, which the noble Earl thought he was justified in pronouncing as an unfair, a prejudiced, and packed tribunal. He had laid, he confessed, some stress upon the subject, as he felt it to be one touching his personal character and honour. Moreover, the statement of the noble Earl appeared to have made some impression upon the mind of another noble Earl near him, for whose good opinion and respect he must always have the greatest regard, and upon which he must always set the highest value. He would be allowed to say, in conclusion, that he attached more importance to their Lordships being satisfied that there had been no attempt at unfairness or partiality in the composition of the Committee, than he did to the result to which the labours of that Committee might lead, vitally important to Ireland, as he believed the measure to be to which their attention was to be directed.

The Marquess of *Clanricarde* said, he was convinced the noble Earl who had criticised somewhat warmly the constitution of the Committee, did not intend to throw any imputation upon the noble Lord who had just sat down. It would be absurd for him (the Marquess of Clanricarde) to attend this Committee; for, though he agreed—in common, he believed, with all their Lordships—that it was desirable compensation should be afforded to tenants for permanent improvements, he strongly objected to the appointment of a Commissioner in Dublin, and he would feel it his duty to divide the Committee upon that point. He considered that the statutory law of the land ought to give tenants a right to compensation for improvements; but if he were a Member of this Committee, and his Motion for expunging the clause for the appointment of the Commissioner should be successful, the whole Bill would fall to the ground; for there was not a single clause in the Bill—except that which limited its operation to Ireland—which did not more or less refer to the Commissioner.

The Earl of *St. Germans* said, that every noble Lord who spoke on this Bill the other night, admitted that compensation was due to tenants in Ireland, who effected permanent improvements on the land they occupied. The noble Lord (Lord Stanley) stated the other evening, that he did not consider the machinery of the Bill as constituting any part of its principle; and he also said that he did not consider the compulsory clause strictly essential to the efficiency of the measure. A better system of machinery than that proposed by the Bill might be devised in Committee; and he could not but express his surprise that noble Lords who admitted the principle of compensation refused to serve on the Committee, which would place them in a position to modify or improve the provisions of the measure. He hoped the noble Marquess (Clanricade), and other noble Lords, would reconsider the matter, and that they would not allow it to go forth to the people of Ireland, that the Members of that House were indisposed to enter upon the consideration of measures calculated to benefit that country.

Earl *Fortescue* said, that when he found that his name was proposed to be put upon the Committee, it was his intention to have applied to their Lordships for permission to have it withdrawn, on the score of the great personal inconvenience which, it so happened, serving on the Committee would cause him. But under present circumstances, and feeling strongly the importance of the Bill, he felt he would not be satisfying his own conscience unless he consented to give what aid he could to the Committee. At the same time, if any arrangement could be made in the nature of a pair, by withdrawing his name and that of a noble Peer of opposite sentiments, he would not object to such a plan.

The Earl of *Roden* said, he considered that the remarks of the noble Earl behind him (the Earl of Lucan) relative to the constitution of this Committee were couched in very strong language; for it was impossible to conceive that the noble Lord (Lord Stanley) would act, either in that House or elsewhere, in a manner which was not entirely honourable. He entertained very strong objections to the appointment of a Commissioner in Dublin, and on that ground he felt bound to oppose the Bill; but if it was the wish of the noble Lord (Lord Stanley) he would consent to serve on the Committee.

The Marquess of *Londonderry* suggested that, as the noble Earl had consented to serve, the names of the noble Marquess (the Marquess of Clanricarde) and the noble Earl (Earl Fortescue) might be mutually withdrawn.

The Earl of *Devon*, in an almost inaudible tone, observed that the Commission had

found great difficulty with respect to the subject of compulsory compensation; but after full consideration, they had come to the conclusion that the Bill now before their Lordships would effect the desired object in the cheapest and most efficient manner.

The Earl of *Charleville* said a few words in explanation as to the noble Peer alleged to have been shut in at the division on the second reading.

After a short broken conversation on the subject,

The Duke of *Richmond* said, that the matter was not worth going into, and the conversation dropped.

Committee appointed, with the substitution of the Earl of Charleville's name for that of the Marquess of Clanricarde.

LANDLORD AND TENANT BILL.] Lord *Portman* moved the Second Reading of this Bill.

Lord *Beaumont* opposed it as useless and totally uncalled for. The measure only enacted that that should be done on compulsion by law, which was at present voluntarily by private agreement. He moved that the Bill be read a second time this day six months.

The Duke of *Richmond* supported the Bill. He thought that this was a favourable period for the enacting of some such measure. He did not believe that the Bill before their Lordships would tend to dissolve the ties happily subsisting between landlord and tenant. It was very desirable that the tenant should have some security. Much as he approved of leases, he did not think that was a subject upon which the Legislature ought to pass any positive enactment compulsory upon the proprietors of land; but he was of opinion that this Bill would, at all events, tend to secure some of the objects desired. He contended that the measure was one which would facilitate the improvement of this country, by means of, and through the tenantry, and that it would be only an act of justice towards them to give its provisions the force of law. There was now a great disposition on the part of the tenantry to improve their land, and that disposition would have inc eased but for recent legislative measures. The desire to carry out improvements, however, still pervaded a great body of the tenantry, and he thought they ought not to discourage it by refusing to consider this Bill, especially after the recognition of its general principle the other evening in the debate on the Irish measure by noble Lords on all sides. Though he did not altogether like the wording of the Bill in many respects, still, approving as he did of its principle, as it had been explained by the noble Lord who moved it, he should support the second reading.

The Duke of *Cleveland* observed, that a similar Bill had been brought in last year by the noble Lord (Lord Portman), the principle of which had been approved, and it had been referred to a Select Committee, but was ultimately withdrawn on account of some technical objection. He thought, therefore, they were bound not to reject the second reading of this measure. He would not enter into the question of what was the best system of management —whether it was more advisable to let the land on lease or by tenancy at will; for his part he had always been in favour of the tenancy-at-will system. But he thought, to ensure confidence in the tenant, it was necessary that he should have every reasonable indulgence extended to him, and that he should be impressed with the idea that if he expended his money in permanent improvement, he should be amply compensated by his landlord. In many cases he was aware the Bill would be a dead letter, in consequence of the liberal manner in which the estates were managed, and the perfect good understanding that existed between the tenants and their landlords. But at the same time it could not be denied that there were many cases in which the measure would be most useful, and insure justice to the tenant; and so far from creating ill-feeling between the landlord and tenant, it would unite them together in one common interest, and promote good feeling between them.

Lord *Ashburton* was surprised to find the two noble Dukes supporting a measure which he believed, so far from producing harmony and good feeling between landlord and tenant, would make a lawsuit inevitable between every tenant who quitted his farm and his landlord. What was to be done in cases where the tenant held his land under lease, and where the improvements were made under the stipulations of the lease? Was it to be made a subject for arbitration what amount of compensation should be given to the tenant for those improvements which he was bound by his lease to make, and which were considered in the terms upon which the land was leased? The custom of the country and

the common law of the country was sufficient for all the purposes for which this Bill was brought forward, and to ensure due protection to the tenant. He considered there was no necessity for the Bill, and should, therefore, vote against it.

Lord *Wharncliffe* said, that nine times out of ten interference of this description did more harm than good. All that this Bill proposed to give to the tenant he had already, by the custom of the country; it was, therefore, unnecessary. It might be said he had supported a similar Bill for Ireland, the principle of which was compulsory; but then the circumstances of the two countries were dissimilar. In Ireland the tenant was protected by no such custom as existed in this country, consequently some legislative measure for his protection was required. His objection to the measure was, that there was no occasion for it, and that legislative interference would, therefore, do more harm than good.

The Duke of *Richmond* observed that there were many parts of England in which the custom of compensating tenants for liming, chalking, and such like improvements did not prevail, and he considered that the advantage should be extended to all.

Lord *Portman* contended that the object of the Bill, so far from promoting lawsuits, was to give the tenant a summary mode of enforcing just claims, by arbitration. It was to afford an easy and summary remedy, and consequently, to avoid expensive lawsuits. The Bill was so worded, that it would give compensation only for those permanent improvements which were made by the tenant with the sanction of his landlord, and upon the understanding that he should be paid for them, but for which the amount to be paid was not settled; but which amount would, under the Bill, be settled by inexpensive arbitration, instead of by expensive suits at law. The Bill would not interfere with the stipulations of any lease, or give compensation for such improvements as were made under the conditions of a lease.

On Question, that "now" stand part of the Motion? House divided:—Contents 7; Non-Contents 11: Majority 4.

Resolved in the *Negative*.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 26, 1845.

MINUTES.] BILLS. *Public.*—1°. Morden College.

Reported.—Timber Ships; Statute Labour (Scotland); Arrestment of Wages (Scotland) (No. 2).

Private.—*Reported.*—Lord Barrington's Estate; Forth and Clyde Navigation and Union Canal Junction (No. 2) (re-committed).

3°. and passed:—Cork and Bandon Railway; Keyingham Drainage; Westminster Improvement (No. 2); Liverpool and Bury Railway (Bolton, Wigan, and Liverpool Railway, and Bury Extension); Sheffield Waterworks; West London Railway.

PETITIONS PRESENTED. By Mr. Goring, from Clergy of Wiston, and several other places, against Alteration of Law relating to Ecclesiastical Courts.—By Mr. G. Hamilton, from Kilcullen, for Encouragement to Schools in connexion with Church Education Society.—By Mr. G. Hamilton, from C. B. Stevenson, complaining of Losses on account of the Tithe Compositions (Ireland) Act.—By Mr. Busfeild, from Bankers and others of Bradford, for Enforcing Observance of Treaty with Buenos Ayres.—By Mr. Hume, from Rungo Bapojee, for Inquiry (Rajah of Sattara).—By Mr. Curteis, from several places, for Relief from Agricultural Taxation.—By Mr. J. O'Connell, from a great number of places, against Colleges (Ireland) Bill.—By Mr. Bernal, Mr. Broadley, and Viscount Ebrington, from several places, in favour of the Ten Hours System in Factories.—By Mr. S. O'Brien, from Justices of the Peace for the County of Northampton, against Justices' Clerks and Clerks of the Peace Bill.—By Mr. Goring, from Clergy of West Grinstead, and several other places, in favour of Lunatic Asylums and Pauper Lunatics Bill.—By Mr. J. O'Brien, from Limerick, against Merchant Seamen's Fund Bill.—From Liverpool, for Abolition of Military Flogging.—By Captain Pechell, from Chemists and Druggists of Brighton, for Alteration of Physic and Surgery Bill.—By Mr. Hume, and Mr. Smollett, from several places, for Alteration of Poor Law Amendment (Scotland) Bill.—By Sir T. Esmonde, from Wexford, for Alteration of Poor Relief (Ireland) Act.—By Mr. Hawes, from Chichester, for Abolition of the Punishment of Death.

PRIVILEGE—PRINTED PAPERS.] The Order of the Day for the House taking into its consideration the Report of the Committee on Printed Papers on the subject of the case "Howard *v.* Gossett," having been read,

The *Solicitor General* rose to move, in accordance with the recommendations of the Committee, that in the case of "Howard *v.* Gossett" a writ of error should be brought upon the judgment of the Court of Queen's Bench. The House would observe that that Report was not founded on the unanimous recommendation of the Committee. His hon. and learned Friend the Member for Worcester, his hon. Friend the Member for the University of Oxford, his noble Friend the Member for Hertford, and the hon. Member for Kendal, although upon very different grounds, had dissented from the recommendation of that Report. At the same time, he was bound to add that, however opposed they may have been to the result of the deliberations of the Committee, they all of them afforded it the most zealous, able, and generous assistance. He was not insensible of the difficulty of the task which he had undertaken, or of the hopelessness

of attempting to reconcile the differences of opinion which invariably arose whenever the privileges of the House became matter of discussion. He was aware that he should be opposed by two very different classes of opponents. By those, amongst whom were some of the most powerful Members of the House, who upon every occasion were anxious to maintain its privileges with a very high hand, who objected to any question being submitted to the consideration of a court of law which might by possibility involve the question of those privileges, and who, therefore, would regard the recommendation of the Committee as the result of weakness and pusillanimity. The other class, at the head of which he supposed he must place his hon. Friend the Member for the University of Oxford, were of opinion that there must be an unqualified submission on the part of the House—that having once agreed to submit to the decision of the Queen's Bench they ought not to do anything which might in any way question the propriety of that decision. To the first class he would point out some of the names of the Members who composed the Committee. Without any invidious distinction he would select those of the noble Lord the Member for London, and the right hon. Baronet at the head of the Government, and reminding the House of the stand which they had always made in asserting the privileges of the House, he would venture to ask whether their acquiescence in the course recommended, was not a guarantee that that recommendation had not been the result of any tame or timid abandonment of the privileges of the House? With regard to the other class, he would ask his hon. Friend the Member for the University of Oxford, how the course recommended by the Committee was at all inconsistent with the principle for which he contended? He was an advocate for the authority of the law, not for the infallibility of any particular court; and he (the Solicitor General) could not understand how his hon. Friend could consider that the control of the law was in the least degree affected by an appeal to a higher tribunal, in a matter clearly within its province, and in the regular course of justice. He was led to suppose that there would be a coalition on the present occasion of the parties who entertained these opposing opinions against the intermediate course which he was about to recommend to the House. But he trusted that they, and the House generally, would feel that the matter was one of serious importance—was deserving of the deepest consideration—and would, therefore, hear with patience the observations he had to address to them. And, first, he must briefly recall to the recollection of the House the main facts of the case. It appeared to him entirely a misapprehension to suppose that any question of privilege, strictly so called, existed upon the present occasion. The question had arisen, not in the assertion of any privilege, but by the exercise of a power possessed by the House—a power inherent in the duties which it had to discharge, and which was essential to its high constitutional functions—he meant the power of requiring and compelling the attendance of all persons at the bar of the House for the purpose of being examined. That the House had a right to institute an inquiry into all matters of public interest, there could be no doubt whatever; and that the power in question was necessarily incident to that right, was equally undoubted: because, to deprive the House of the power of compelling parties to appear before it, would deprive it of the right itself, by taking away the means of exercising it. The House would not, therefore, be surprised to find, that from the earliest period this right had been exercised, had been acknowledged by the courts of law, and even by those Judges who were considered not the most friendly to its privileges. It was in the exercise of this undoubted power that the question originally commenced. In the course of an inquiry which took place into certain proceedings, in one of the numerous actions of "Stockdale *v.* Hansard," which had been commenced by Howard the attorney, it was necessary, in the opinion of the House, to require his attendance at the bar. He appeared, admitted the fact charged, submitted entirely to the House, acknowledged his error, received a reprimand, and was discharged. In a very short time after, he repeated the offence by commencing a fresh action. It was impossible the House could submit to be trifled with in this manner; and it was, therefore, decided that an inquiry should be immediately instituted, and Mr. Howard be desired to attend at the bar of the House forthwith. There can be no doubt that he endeavoured to avoid the service of the order, and had, therefore, been guilty of a contempt of the authority of the House. The House, on the evidence which was before it, might at once have proceeded to

adjudge him guilty, and to punish him: and if it had done so there was no tribunal or authority in the country which could have questioned the act. But it chose to proceed in a milder and more forbearing manner. Adverting to, and following, a precedent of 1731, it decided that Howard should be brought to the bar of the House in the custody of the Sergeant-at-Arms; and it was upon the warrant issued by the Speaker, by order of the House to that effect, that the question arose. The attention of hon. Members had already been attracted to that document; and, certainly, if it was to be considered by the rules of common sense and reason, there could be no doubt whatever that it was a perfectly good and valid warrant. Any person not having a knowledge of law, but applying his common sense to the construction of it, could not have the slightest doubt, from the terms in which it was drawn, that it conveyed sufficient authority to the Sergeant-at-Arms to do what the Speaker was ordered to direct him to do, namely, to bring Mr. Howard to the bar of the House. Mr. Howard, on being informed by the Sergeant-at-Arms that such a warrant had been issued, accompanied him to the House, where he was ordered to attend at the bar. The House, after questioning him, adjudged him guilty of contempt, and ordered him to be committed to Newgate. Three years after, Mr. Howard, who did not appear very sensitive upon the subject, having allowed the matter to sleep for that length of time, brought his action for the imprisonment. The House was informed of the fact, and, after a long debate, which was adjourned from February to March, came to the Resolution that the Sergeant-at-Arms should be permitted to appear by the Attorney General, and defend the action. Now, it was necessary to remark, as regarded the form of that Resolution, that it conveyed no authority to the Attorney General to appear and defend the privileges of the House, but merely to appear and defend the action. He must also say that he was disposed to coincide in the opinion that by the Resolution of March, 1843, there was no intention whatever on the part of the House to submit its privileges to the decision of a court of law. The idea was entertained that when the court became aware that this was an imprisonment which had proceeded from the authority of the House through its own organ, it would immediately decide in its favour. They must, however, bear in mind what had previously taken place. On the 9th of June 1837, his noble Friend, Lord Campbell, then Attorney General, informed the House that a second action had been brought by Stockdale against Hansard; and he obtained the permission of the House that the defendant should appear and plead. Dates were very important in this matter. On the 30th of May, 1837, the House had adopted some strong Resolutions of a Committee, in regard to the existence of its privileges, its sole and exclusive right to judge of them, and to treat as a contempt and an offence any endeavour to bring them in question. And yet it would appear that only nine days afterwards the Attorney General persuaded the House to let him appear and plead to the action against Hansard. He believed it would be admitted by all who heard him that there was not a more zealous, or strenuous, as well as a more able asserter of the privileges of the House, than Lord Campbell. He was, therefore, bound to believe that, notwithstanding the Resolutions of the House nine days before, there were reasons which influenced the decision of Lord Campbell, and which led him irresistibly to the conclusion that it was not advisable to resist the appeal to the law in the particular case. He supposed, perhaps, that when the plea was put upon the record, it would be considered by the court as a complete answer; but he and the House were disappointed in this expectation; and the Court of Queen's Bench, although told that it was a question of privilege, although informed by the plea of a distinct Resolution of the House of Commons that it alone had authority to decide what was or what was not privilege, determined against the validity of the plea, and in favour of the plaintiff. All this occurred before the Resolution of March, 1843, so that it was impossible to say that the House was entirely satisfied that the Court of Queen's Bench would declare the jurisdiction in the present case. It was warned also by the right hon. Baronet at the head of the Government of the extreme probability that some nice and technical objection would be taken to the Speaker's warrant, and that the Judges would decide the question on that ground. It was very important that the House should be in full possession of all the circumstances connected with the Resolution of 1843. Upon that Resolution pleas were put upon the record, to which pleas there was a demurrer. He would very shortly, and in a manner as free from technicalities as he could, explain what was admitted by that demurrer. It

was admitted that certain matters came on to be debated and discussed in the House of Commons, in which it was considered necessary that the attendance of the plaintiff should be required; that he was ordered to attend; that he wilfully and contemptuously refused obedience, having no reasonable cause or excuse, and absented and secreted himself; that therefore it was directed that he should be brought to the bar in the custody of the Sergeant; and that the Speaker should issue his warrant accordingly. The assertion ran through all the pleas that all this was done in pursuance of the ancient usages and privileges of the House, and the law and custom of Parliament. Upon these pleas and the demurrer an argument took place before the Judges of the Court of Queen's Bench in November last. Here he was bound to express his sincere regret that, owing to an accidental circumstance, it had fallen to his (the Solicitor General's) lot to argue the case for the House. That accidental circumstance was the illness of his hon. and learned Friend the Attorney General; and no one could lament more deeply than he (the Solicitor General) did the irreparable loss which at this moment was impending over the country. He might venture, however, to appeal to all who had taken the trouble to read his argument, whether he had in any manner surrendered the privileges or compromised the dignity of the House. The Judges appeared to have entertained considerable doubt upon the question, and their decision was delayed for six months; it was delivered on the 15th May of this year; and he must say that it had entirely disappointed his expectation. It would not be becoming in him to take advantage of the position in which he stood to canvass or criticise that judgment; but he might refer the House to the Report of the Committee, in which would be found collected the various contradictory reasons on which the decision of the majority of the Judges was founded; he might also, perhaps, be permitted to remark that from the discordant reasons assigned in different parts of the judgment, few could be led to form any distinct opinion against the validity of the warrant. The respect he felt for the learned Judges led him to the expression of his regret at the nature of the decision, and especially at the manner in which one of those Judges most unnecessarily went out of his way to question one of the most undoubted privileges of the House. He regretted the tone and manner of that learned Judge's decision, and was the more surprised at it, when he knew that his judgment was written and composed after six months' deliberation. He was very much afraid that the doctrines that Judge maintained, and which were unnecessary to the determination of the case, had led to much of the embarrassment and difficulty as to the course the House ought to adopt on the present occasion. Having, then, brought the narrative down to the judgment of the Court of Queen's Bench, which, it should be mentioned, was only that of a majority of the Judges, he was anxious to direct the attention of the House to the course it would be advisable to pursue. He would venture to suggest to one class of opponents by whom he should be met, and to whom he had already alluded, that in this particular case there was no possibility for them to carry their principles as strenuous supporters of privilege into action. What had occurred a few nights ago had placed the House in such a position as to render it impracticable to adopt any of the measures recommended by the hon. Member for Montrose (Mr. Hume). It would be recollected that the Committee had made a short Report, in which it indicated its opinion that a writ of error should be brought upon the judgment, and that it was not necessary to interpose to prevent the levy of the 200*l.* which the plaintiff had recovered by a verdict on a writ of inquiry. It was considered desirable that no discussion should take place until the House had been informed of the reasons for the recommendation of the Committee; and he (the Solicitor General) had therefore moved that the consideration of the Report be deferred to a future day, that day being beyond the period when the plaintiff could levy his damages. On the 30th of May, the hon. Member for Montrose proposed a contrary Resolution, and the noble Member for Sunderland (Lord Howick) had moved that the debate should be adjourned until the Report of the Committee could be taken into consideration. It was perfectly well known, that during the interval the plaintiff would avail himself of the opportunity to levy his damages; and he (the Solicitor General) admitted, with the hon. Member for Montrose, that that was the moment for the House to assert its privileges. The House, however, agreed to the Motion of the noble Member for Sunderland; and in the meantime the plaintiff, after a levy, received the amount of his damages and costs. Thus circumstanced, he would ask hon. Members, the strong asserters of privilege, what course

in that direction could the House now adopt? Even in spite of having gone into a court of law, and in spite of all that had since occurred, the House might have prevented the levy. The question that it should do so was distinctly brought before it; it knew that time was then of vital importance, but it refused to entertain the proposition of the hon. Member for Montrose; it had purposely adjourned the debate over the day when the plaintiff could levy, and what was it now to do? The question now was, whether it was advisable for the House to sit down patiently and silently under the judgment of the Court of Queen's Bench, as he supposed the hon. Baronet the Member for the University of Oxford would contend it ought? If the question had turned entirely on the narrow and technical ground on which it had been placed by Mr. Justice Wightman—if it had been a mere question of the legality of the warrant—and if this had been the only case which went to impeach the power and authority of the House, he might have been disposed to consider the matter of such insignificant importance as to induce him to adopt the views of his hon. Friend the Member for Oxford. But he could not conceal from himself the doctrines laid down by at least two of the majority of the Judges who decided the question against the House. He could not avoid adverting to the imminent danger that would result from allowing principles so asserted to remain uncontradicted. After the experience the House had had, many Members might feel indisposed to have any of their privileges brought again before a court of justice; but the House of Commons was a fleeting and changeable body, and it was impossible to know what might be the opinion entertained by some future House of Commons. He apprehended that it was their duty, as they held a great trust for their successors, as well as the public, not to fetter and cripple any decision to which they might be disposed to come, by allowing, from any temporary or partial views which they might form on the subject, principles which assailed their privileges in so vital a manner to remain, without endeavouring in some way to obtain an opinion adverse to them, so as to prevent their being hereafter held to be authorities. He thought, therefore, that it was hardly open, under the circumstances, to adopt the course which he supposed would be recommended to the House by his hon. Friend the Member for the University of Oxford. When he saw the mode in which the warrant of the Speaker had been canvassed, when he saw the rules of construction which had been applied to it, when he saw the doctrines which had been directed against the privileges of the House, he could not but feel the danger of allowing them to remain unquestioned; and therefore he could not submit patiently and silently to such a judgment. Now, that brought him at once to the course which had been recommended by the Committee, namely, that a writ of error should be brought, to question, in a regular and legal manner, the decision of the Court of Queen's Bench. He knew it would be said by many hon. Members, that this would be an additional step in the wrong direction—that they had already submitted their privileges to the authority of a court of law—that they had suffered by such submission, and that they were again proposing to pursue the same erroneous and dangerous course. In the first place, he would recall to the recollection of the House, that this proceeding by writ of error was not new; it was adopted in the case of Burdett against Abbott. He knew it would be said that in that case the judgment was in favour of the Speaker, who was the defendant; and that the plaintiff there brought his writ of error, and that the House was compelled to follow the plaintiff to a Court of Appeal, and ultimately to the House of Lords, where the question was at last carried. But he must point out to the attention of the House, that when the Resolution of March, 1843, was passed, by which permission was given to the Serjeant-at-Arms to appear and plead, it was supposed that when the Court of Queen's Bench found that the warrant was issued on the authority of the House, they would at once decide in favour of the defendant. The House, therefore, anticipated a favourable decision. If that was so, it must have been aware that the plaintiff in the action would not be bound to acquiesce in the propriety of that decision; but that he might have brought his writ of error, as in the case of Burdett and Abbott. And he apprehended it could hardly be maintained by any hon. Member, that when the House agreed to go into a court of law, and suggest that it was a question involving its privileges, by which it expected at once to receive a favourable judgment—it could not be said, when the House did this, that it did not contemplate what might be the consequences of that judgment, and the course to which it might be driven. Therefore, although the case of Burdett and Abbott was a case in which the proceed-

ings before the higher tribunals were originated by the plaintiff, that made no difference; for it must have been in the contemplation of the House that such might be the consequences resulting from this action. Now, it would be said that the step which the Committee recommended would be a proceeding in furtherance of an erroneous course which had already been adopted by the House, and in which they ought to stop at once. Stop and do what? Do nothing? [Mr. *Hume:* No.] The hon. Member for Montrose said no; he should like to learn whether it were possible, after the Resolution which the House had come to, of adjourning the debate, and after it had permitted, without objection or interference, the amount of the damages to be levied—he should like to know whether, after this, it were possible to stop, and, by a strong hand, punish the parties who had proceeded, without any objection on the part of the House, to obtain the fruits of the judgment? And if they stopped without taking any further step, it appeared to him that the danger which would result from such a proceeding would be inevitable; and, therefore, it could not be considered desirable that they should allow this matter to rest where it was. Was it, then, a proceeding in a wrong direction? They had allowed, on many previous occasions, parties who had been acting under the authority of the House, and who had actions brought against them, to appear and plead to such actions. They had submitted the question of their privileges to the judgment of the Court of Queen's Bench, and would they do more in a Court of Appeal? The case which was before the Court of Queen's Bench, and which was considered merely to involve a question upon which it was anticipated that the court would decide in favour of the House, would be precisely the same case, and involve the same question as that which would be submitted to a Court of Appeal. No new matters could be introduced. If the question of the authority of the House was raised by the pleadings before the Court of Queen's Bench, the same question of its authority would be raised before a Court of Error; and they might put it to such a court, whether, when the privileges of the House were involved, they would not consider that to be a sufficient answer in justification to the trespass complained of. And let them bear this in mind, that they had at present—if they were to come into collision with the courts of law on this question—only the judgment of the Queen's Bench. He would not say that the Judges of that Court were committed to a course of adverse judgment; but he was at liberty to remark that they appeared to have entertained very strong views with regard to the privileges of the House, and the assertion of those privileges; and, therefore, it would be desirable that they should have the opinion of some other court as to whether the views entertained by the House were correct, that no court of law had any power whatever to entertain such a question. He was extremely desirous that their proceedings should be recommended to the public. He was anxious that it should not be supposed that they were asserting a claim to unlimited power, or assuming a right beyond the Constitution. He was most anxious that the public should understand this question to be of the deepest interest to themselves, for all the useful authority of the House depended on the exercise of the privilege in question; and he was satisfied that the course which the Committee had recommended, and which he proposed that the House should adopt, would be extremely favourable towards bringing the public mind to a correct understanding of the real point in question. By taking the step which the Committee advised in this most important matter, they would, at all events, show that they had in a very temperate and forbearing manner, and—he hoped that the hon. Member for the University of Oxford would permit him to add—in due course of law, endeavoured to assert their privileges. If in the result it should be found that they were deceived in their expectations, and a Court of Error should take the same—he must be permitted to consider it—erroneous view of this question which had been taken by the Queen's Bench, it appeared to him that the public mind being impressed with notions of the importance of the question, and with the temperate and forbearing course which had been adopted by the House—if then they should be called upon to exercise any of those powers with which undoubtedly they were invested for the maintenance of their authority and privileges, they would have the sanction of public feeling, and be able to act with greater advantage in the matter. He confessed that he felt some difficulty in coming to this conclusion, from the circumstance of there being still three actions pending, in all of which the House had given permission to the defendants to

appear and plead. In one of them the damages were laid at 100,000*l.*; and when he considered the nature of the trespass against Mr. Howard—that it was merely requesting him, he being in the lobby of the House, to attend at the bar, and that the jury had given the full amount of the damages which had been laid in the declaration—fortunately for the public, only at 200*l.* — it did appear to him that it was an indication of public feeling which he could not view without some apprehension. He therefore looked to these pending actions, and felt a difficulty in this case, which he should not have felt if they had not existed. If they should unfortunately be disappointed in their expectations, and find that the judgment of a Court of Error affirmed that of the Queen's Bench, they should know precisely the position in which they stood, and be able to judge more accurately of the proper, and prudent, and desirable course to be adopted as to this action. He was not insensible of the great difficulties with which this question was surrounded; he knew that after all it was but a choice of evils. It was unnecessary for him to state what would have been his opinion on the subject, if it had been brought originally before him; but he felt himself embarrassed by the proceedings which had taken place in the House, and by the situation in which they stood on this and the other cases. Upon the whole, however, he felt that there was no other course so prudent and desirable as that which he had ventured, on the recommendation of the Committee, to propose to the House. And although he felt that he had most imperfectly laid before them the reasons which had induced him to come to this conclusion, still his desire had been merely to open the question for the discussion of the House, in order that other Members of more weight and authority than himself might lead the House to such a determination as might be thought prudent and necessary. He should, therefore, merely conclude by moving that a Writ of Error be brought upon the judgment of the Court of Queen's Bench, pronounced in the case of Howard *v.* Gossett.

Mr. *Hume* said, that the debate had not been resumed, inasmuch as the hon. and learned Gentleman had made a specific Motion. He had admitted that the House had committed a great error, and that all who had recommended the step which had been taken, were disappointed; and yet he recommended them to go on in the same course. The question was, whether they were to submit their privileges to any other tribunal, or maintain the right, which for ages they had possessed, of deciding what were their privileges themselves. The Solicitor General said that he anticipated a favourable decision, and, if so, the matter would be terminated; but he immediately added that if they should have an unfavourable decision, they should be in a worse position than before. It appeared to him (Mr. Hume) that they ought not to allow themselves to go into a court of law again, when they had already been so much disappointed. If they meant to assert their privileges, the right hon. Baronet the First Lord of the Treasury had said on a former occasion this was the time. If he thought so, why did he not proceed? The right hon. Baronet had said, that he was not willing to enter the lists on the present occasion—he would not encounter the difficulty now. Surely that displayed a want of moral courage. A more convincing speech than the right hon. Baronet had made the other night he had never heard: he clearly showed the evils of departing from the principles which he had recommended on that occasion. He should submit, that the House ought at once to adopt the course which they should have taken before. He did not see why they could not now affirm that the levy was a breach of privilege. If they had the power of saying it would be a breach of privilege before it took place, what reason was there why they should not say it was so now that the levy had been made? Upon that ground he should move, as an Amendment, to substitute for the Motion of the Solicitor General the following words:—

"That it is inexpedient to entrust the maintenance of the Privilege of this House to any other authority than that of this House itself."

If this Amendment were adopted, he should be prepared to follow it up in such a way as he thought would be most effectual.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 78; Noes 46: Majority 32.

Mr. *Roebuck* said, the Amendment having been disposed of, the matter of fact now remained for them to decide whether they were to pursue the course proposed to be taken by his hon. and learned Friend the Solicitor General, or whether any bet-

ter course remained open to them. They should, in order to come to a correct decision on this question, look to the necessary consequences of the course which the hon. and learned Gentleman proposed to take. The deed had already been done. What had been effected was their act. The House was a party to the legal proceedings that had been taken, and they thereby supposed that the Court of Queen's Bench would give them credit for having used their power with every sense of the responsibility attached to it. He understood his hon. and learned Friend to say, throughout the whole course of his argument, that if there were any real difficulty in the case, it arose in consequence of the unhappy determination of the House to allow its Officer to plead to the action in the first instance. On that occasion the then Attorney General, the present Lord Campbell, proposed that that course should be taken, against the advice of the right hon. Baronet. He would acknowledge that the hon. and learned Gentleman the Solicitor General had veiled his meaning as he best could in the position in which he stood, by the use of certain courteous phrases; but the purport of what he had stated was clearly this—namely, that he had not much faith in the law of the Queen's Bench. That he believed the law of that Court to be bad, and that he expected the other Judges would think so too. The hon. and learned Gentleman, therefore, advised the House to go into another Court—to bring an appeal to the Court of Error. But he—suppose the Court of Error should come to the same erroneous conclusion to which the Court of Queen's Bench had already arrived—would maintain that in following the argument of his hon. and learned Friend, he had a right to use that term, what course, he would ask, were they then to take? They would be then in precisely the same position in which they now stood, with this additional difficulty, that they would then have all the Judges of the land against them, instead of four. He would wish to know what the people of England would then think of their proceedings?—whether they would think the House warranted in proceeding with a high hand then, though not now? The cry before the last ten years was, that the House used the tyrannical power vested in it by itself for tyrannical purposes. But what were these powers? The document which formed the ground of discussion in the Court of Queen's Bench was called a warrant. Now, he would deny that it was a warrant in the terms used in any of the arguments which had been relied upon in the matter. He would suppose this case. He would suppose that an invasion of the country were apprehended, and that that House, as the guardian of the public, thought fit, for the purpose of providing for the national defence, to call A B, or to call some ten persons before it. The Court of Queen's Bench would be applied to, and might turn round and say to the House, "You had no right to arrest these persons without stating in your warrant for what cause you did so; and you ought to allow the Queen's Bench to inquire into the sufficiency of that cause." If that course happened—and he had a right to suppose such a case—what would be the consequence? That House was not a tribunal; it was a body peculiarly constituted. There was nothing like it in any other part of the Constitution. They possessed their peculiar powers, or, as they were called, privileges, for special purposes, and if they allowed any single court of law to question these privileges, they broke down the whole structure of the Constitution. ["Hear, hear!"] Hon. Gentlemen did not call "hear," to any purpose, unless they were prepared to defend their privileges from the outset. They were now in a scrape. They knew that to be the case; and the course to be considered was, what was the best course to adopt in order to get out of it? He thought it would be far more dignified to admit at once that they had made a mistake in regard to their privileges, by permitting their Officer to plead to the action. He thought this course infinitely preferable to that of trying one more attempt to get out of their difficulty by proceeding further at law. He was sure that his hon. and learned Friend would not suppose that he intended any disrespect towards him, when he said, that the course proposed to be taken would be, after all, merely a pettifogging attempt at getting out of the scrape. It was, in effect, giving themselves one more chance of a verdict in their favour from the fifteen Judges, after the Court of Queen's Bench had already decided against them. He would prefer that they should stop at once. Let them admit that they had made a mistake in regard to their privileges, and let the 200*l.* go by the board. But there were three other causes brought against their Officer, in one

of which damages were laid at 100,000*l*. In regard to these actions, he would say, let them at once assert the privileges of this House. Let them say, "It is true we have made a mistake. We cannot run after the inferior instruments of the law, and punish them in case of a conviction; but let every man amongst them know that if, in any case whatever, the least motion is made to question in a court of law the acts of this House, that man shall be laid by the heels." He did not care who the party might be. He did not care whether the individual were plaintiff or attorney in the case; but he would say that, no matter who moved in it, or what the court might be, they should bring him before the House, and commit him to prison. Now, he was prepared to adopt that course; and he would say, unless the House were prepared to go the whole length which he had mentioned, they had better give up their privileges at once. There was no shuffling, no hazard in the course which he recommended. There was no continuing the game in the mere anticipation that hearts might possibly turn up trumps. Now, he would suppose the case he had already put. He would suppose the case of a threatened invasion of the country, and that the advisers of the Crown in that House recommended, in order to adopt measures of security more effectually, that the House should exclude strangers from hearing their proceedings. Suppose these men [the hon. and learned Gentleman pointed to the reporters' gallery] were to be also shut out, and that the House proceeded to deliberate with closed doors. Suppose these circumstances to take place, and that the ten men suspected of being implicated in the intended invasion were brought before the House, would it be contended that the Court of Queen's Bench, if they were to be instantaneously brought before it, was to have a right of inquiry how far the House was justified in the course it had taken? [An hon. *Member:* Suppose we had them all shot?] He did not take so sanguine a view of the extent to which the House would carry its privileges as the hon. Member. But, under the circumstances which he had just mentioned, would it be contended that Lord Denman should be the arbiter of the privileges of that House? Was the noble and learned Lord to have the right of saying to them, "You were very unwise to sit with closed doors, or to send for these men at all. You were quite mistaken, and the Minister of the Crown was quite mistaken, in supposing that any conspiracy existed, or that any invasion was intended, and you must therefore pay the piper for what is done." His answer to that supposition was this: Let them at once drop altogether the action already decided, and make a resolve to maintain their privileges inviolate in future. Let them allow no party to proceed in any one of the other actions that had been brought, and declare their intention to protect their privileges in future. The hon. Member (Sir Robert Inglis) shook his head, as a sign, he supposed, that he was not prepared to go that length. But he would put this case. He would suppose that the Court of Error should give judgment against them, and then he would ask his hon. Friend what course he would recommend? How were they to stave off the mischief which would then come upon them? They might have the decision of the Court of Error against them, as the judgment of the Court of Queen's Bench now was; and how were they then to get out of their difficulty without adopting those strong measures? He had a very decided feeling about the manner in which the Judges of the land had ever dealt with the privileges and liberties of the people. He would make bold to say that it was not in the Court of Queen's Bench the liberties of the people of England had been fought for and gained. Those liberties had been achieved in another place; and it was in that other place that he would still have them defended. The Commons of England attained the right and privileges of the commonalty of this realm, and on them, as the successors of the Commons of England, ought still to rest the great privilege, when they should be assailed, no matter by what party, of defending the liberties of this country

Sir *Robert H. Inglis* said, in one point he agreed with the hon. and learned Gentleman who had last addressed the House, that whether to-day or to-morrow, whether this year or five years hence, that ultimate decision must be attained, to which the hon. and learned Gentleman had specially called the attention of Her Majesty's Government. The House must make up its mind to the alternative, not of a writ of error—not of an appeal to the House of Lords, but—supposing these tribunals were adverse to what are called the privileges of that House, to the course

which, under such circumstances, might be their duty. He trusted that it would be prepared to take what he thought a more peaceful way than the fulminating proceeding recommended by the hon. and learned Gentleman. On a former occasion, the course to which he was adverting had been taken when what were called the privileges of the House were assailed; and, therefore, in considering the violent measure which the hon. and learned Gentleman proposed, they ought not, he thought, to lose sight of the more simple and appropriate measure which had then been adopted with the general concurrence of the House. He referred, of course, to proceeding by legislation, as had been done in the Printed Papers' case. The hon. and learned Gentleman had spoken of bringing up in custody to the bar of the House the plaintiff, or the attorney, or any person who might bring the authority of that House before a court of law: but he did not take into his consideration the fact that the legal proceedings might be commenced at a period of the year when Parliament might not be sitting. It might be very well, on the principles of the hon. and learned Gentleman, to adopt such a course as that recommended, if the action were commenced in the month of June, or before the House rose at the end of the Session. But supposing the action were brought in the month of November, at a time of the year when the entire proceedings could be brought to a conclusion before Parliament again met, what course would then be taken? The hon. and learned Gentleman did not say what he would do in such a case with the Judges before whom the case would have been heard.

Mr. Roebuck explained. What he had stated was, that the House should, if the emergency arose, commit every person who should have interfered with their privileges, and who were not exempted from arrest by being privileged parties—namely, Peers of the realm.

Sir *R. Inglis*: In that case the hon. and learned Gentleman would go to the extent of committing to custody such men as Mr. Justice Wightman and Mr. Justice Patteson—[Mr. *Roebuck*: I would]—or Mr. Justice Coleridge, or any of the other Judges; while he would leave on the Bench the very Judge who had taken the strongest part in reference to their proceedings, namely, the Lord Chief Justice of the Queen's Bench. But he would ask, would not Mr. Justice Coleridge, suppose he were arrested, move for a writ of *habeas corpus*, and would he not be then brought up before the Lord Chief Justice of England? Would that noble and learned Lord follow the constitutional principles laid down by the hon. and learned Member for Bath, or would he not rather liberate his learned Brother in the face of these privileges. [Mr. *Roebuck*: No.] He heard a solitary "No" from a great legal authority opposite; but he was, notwithstanding, convinced that the singleness of heart which characterized the Lord Chief Justice of England, now sitting on the Bench, would not fail him, should the contingency to which he adverted, hereafter arise. He maintained, therefore, that the remedy of the hon. and learned Member was in any case insufficient for the real requirements of his case, inasmuch as it would not be at all applicable to one-half of the current year. As soon as the House had not a collective existence, so soon might any attorney violate with impunity what were called the privileges of that House; and so surely as that violation took place, would they fail to provide a remedy for it. His hon. and learned Friend the Solicitor General had stated the matter so clearly and conclusively in his speech, that those who concurred in his views could scarcely wish to add anything to his argument. In the beginning of his address, especially, his hon. and learned Friend had spoken altogether in accordance with the minority of the Committee on Printed Papers, over which his right hon. Friend the Member for Montgomeryshire (Mr. C. W. W. Wynn) presided. As one of that minority he might be permitted to say that he had never sat on any Committee in which—whatever might be the discordance of opinion among them—so many men met together with a more earnest desire to discharge the duty imposed on them. It was one of the rare instances in which a Committee never sat with less than ten Members present, and they had in some instances fourteen Members, and on two occasions fifteen, or the entire number of the Committee, in attendance. He believed that the warrant on which the opinion of the Judges had been taken was a warrant in itself insufficient for the purpose for which it had been issued; and though one of the Judges appeared to have gone further than the others in this view of the privileges of the House, he was content to take the judgment of the Court as he found it. He would, therefore, wish the House to act

as he would act himself in his private capacity under similar circumstances, and where there was a bad case, not proceed further with it. For these reasons he could not concur in the course proposed by an hon. Member opposite, and adopted by the learned Solicitor General, namely, that the proceedings should be carried to the Court of Error. Neither could he concur in the plan recommended by the hon. and learned Gentleman the Member for Bath respecting the three actions now pending in the Queen's Bench. The House had already permitted its Officer to appear to these actions; and they must, as a preliminary step to the strange course recommended by the hon. and learned Gentleman, rescind that order which they had before given. But he apprehended that the view contended for by the hon. and learned Gentleman was, that the warrant of the Speaker should, as soon as produced, of itself stay all proceedings in any court of law whatever; that the mere declaration of their Officer that he carried the Speaker's warrant in his hand, should be sufficient to save him from all interference by any court. He believed that was putting the proposition of the hon. and learned Member in a fair view. The hon. and learned Gentleman must be prepared to go the length of maintaining that a party declaring in the court that he held the Speaker's warrant in his hand, was a sufficient justification of any act which that warrant might order, whoever might complain of it; and that if the Lord Chief Justice said, "Hand up the warrant, that I may examine it," he would be violating the privileges of that House. The man should, according to the principle laid down by the hon. and learned Member for Bath, be entitled to reply, "No: I hold in my hand the warrant of the Speaker of the House of Commons of England;" and be thus, on his mere *ipse dixit*, able to defy the Lord Chief Justice of the Queen's Bench. The noble and learned Lord might, in the exercise of his sworn duty, require the warrant to be laid before him, and he might then say, that every other warrant contained a statement either of the cause of its being issued, or the term of imprisonment, or the particular tribunal, and time of trial, in respect to which it was issued, as every other warrant did; and that as that warrant was imperfect in these particulars, it could not be admitted as a sufficient justification of the arrest. It had been alleged equally wisely and wittily by an anonymous writer in the *Times*, about a month ago, that if the principle for which the House of Commons contended were just, it would have been sufficient to insert the words in the warrant "catch Howard," to carry out any proceedings which the House might choose to adopt. He did not know how that assertion could be controverted by the hon. and learned Gentleman: and if it could not be, it was clear that House would hold absolute control directly over the liberties, and incidentally over every other privilege of every person in this kingdom, who, unfortunately for himself, was not a Peer of the realm. If that House had the power to suspend the operation of the Habeas Corpus Act in the case of a party whom it arrested on warrant, the privileges and liberties of the people of England would then be at the mercy not even of a united House of Commons, but of a fluctuating majority in it, perhaps not exceeding ten or twenty, such as constituted the strength of Her Majesty's last Administration. To meet a case of extreme danger like that which the hon. and learned Member for Bath had supposed in the course of his speech, Parliament, under such circumstances, might deem it right to suspend the Habeas Corpus Act, or the Ministers on their own responsibility might suspend it, and seek afterwards for indemnity by Act of Parliament; but, unless by the previous or subsequent sanction of Parliament, he could not consent that the writ of *habeas corpus* should be suspended, and that the privileges of all or any one of his fellow-subjects should be placed at the disposal of a majority of the House of Commons. Could the Queen issue any such warrant? [Sir *T. Wilde:* The House of Lords could.] Did the hon. and learned Gentleman pretend to say, if a party against whom the House of Lords might issue a warrant should claim his writ of *habeas corpus*, and be brought up before Lord Chief Justice Denman, that the Lord Chief Justice of England, and his associates on the Bench, would fail to examine the warrant? [Sir *T. Wilde:* Hear.] He apprehended by that cheer that the hon. and learned Gentleman did make such an assertion; but he asked, could any one quote an instance in which the writ of *habeas corpus* had been refused on the ground that the Lord Chief Justice was of opinion that he had no right to examine the warrant? for that was the point at issue. In the case of the Sheriffs, the parties there had been remanded to their confinement because

the warrant on which they were committed appeared not to exceed the powers of the authority by which they were committed. It was because the warrant which was issued in the case of Thomas Burton Howard had covered more than the mandatory part of it proposed to cover, that the Lord Chief Justice and the Court of Queen's Bench had ruled in favour of Mr. Howard, and against this House. The House would observe by the proceedings of the Committee, that they found that in the collection of forms of warrant before them, there were none of them applicable to all the emergencies that might severally arise. Now no lawyer would say that the judge of any court could issue a warrant *pro re nata*. Would it then be inconsistent with the dignity of the House or with a due regard to their privileges, if they condescended to adopt the same course here? and if the law officers of the Crown, with the assistance of Her Majesty's other Counsel, being members, would but prepare the proper form of warrant, with the sanction, of course, of the House, which the circumstances of the case would call for? In such case he did not think that the dignity of the House would be in the least degree affected, and the rights of their fellow subjects would be secured. The difficulties which they then encountered in the courts of law would not then arise. At different periods during the last ten years, that House had claimed privileges so transcendent, that if the reasons of those who most forcibly contended for them, were to prevail, scarcely any other authority would exist in the country. He had heard one hon. Member, not now in his place, state in a style of eloquence peculiar to himself, "We are everything;" but he reminded that House that they were but part of the commonalty of the realm; and that the rest of their fellow subjects were content to live, as they had lived, under the government of the law, and under that mitigated administration of the power of that House which had prevailed for forty years preceding the last ten years. That power should be limited to the necessity of the case; and although there might be danger, during the infancy of the House of Commons, from the power possessed by the other branches of the State, such danger no longer existed, and had long ceased to exist; as no danger could now arise to the House, either from the Sovereign or the other House of Parliament. He objected to the claim of these privileges, as they only gave a power needless as regarded the legislative functions of that House, and needless also as regarded its administrative functions. On this ground he had, during the last few years, taken, he hoped moderately, but still firmly, steps to induce the House to lessen its claims of privilege. The hon. Member, however, to whom he had last adverted, would go the extreme length on the subject of privilege: and he had even adopted the case which had been shadowed out by another Gentleman, namely, that if blood were shed in endeavouring to enforce a warrant of the Speaker, that he should be prepared for the result. Now, in endeavouring to execute one of these warrants, suppose the Officer of the House to be killed by the party against whom the warrant was issued in making its execution;—suppose the party to be taken before the Court of Queen's Bench, and that Court to determine that the party made a just defence in resisting the execution of the warrant? what then would become of the proposed proscription of the Court of Queen's Bench to take part in any question regarding the privileges of that House? Did the hon. Member mean to say that inquiry into the cause of the death of the party should not go to the jury? Although they might resist the authority of the Court of Queen's Bench to investigate the validity of the warrants of the Speaker, yet, in case of death, they could not prevent inquiry into the cause of that death in the court even of the coroner. He, therefore, said, that in such a case some court high in law, or low in law, must investigate the act of the individual by whom this death was occasioned. In such a state of things it was clear that, on the one hand, the personal liberty of all their fellow subjects was involved; and, on the other, that the lives of persons were hazarded by endeavouring to enforce the privileges of the House. He would ask whether the Members of that House would arrogate to themselves powers which they would not tolerate in the Sovereign? It was clear that the Sovereign had no more power to issue a warrant in the execution of which death might occur, and into which no court was to institute inquiry, than any individual in this country. In case of death in the execution of such a warrant, the investigation of the cause of death must come before some tribunal. In such a case then, whether they would or not, they must have the validity of the warrant tried, if not by a court of civil jurisdiction, at any

rate before a court of criminal jurisdiction, if a fellow subject were killed. He repeated, then, that the remedy of the hon. and learned Member for Bath was insufficient; but, even if otherwise, was unnecessary, as he did not believe that they had yet exhausted all the better and more constitutional means of settling the question. He could not, consistently with the dictates of common sense, admit that a warrant signed by the Speaker of that House was sufficient to stop all inquiry before the Court of Queen's Bench. It appeared to him that even the Solicitor General had almost censured the first Court of the kingdom in its administration of the law; particularly in his comments on the opinions of the Lord Chief Justice and on those of Mr. Justice Coleridge. Was that House, he would ask, to take upon itself the power of censuring the Judges of the land? [Mr. *Escott:* Hear, hear.] His hon. and learned Friend the Member for Winchester cheered; but he contended that when the House, without any charge of corrupt motives, took upon itself to censure the Judges, it was going beyond its proper functions. In the former case, the House, conjointly with the other House, might move an Address to the Crown to remove them. It was their constitutional right and duty: but, where no corrupt motive is for a moment suspected, the House ought, like all their fellow subjects, to respect the law and its administration. His own intention was, as the hon. and learned Member for Bath had intimated that he should not propose any Motion, to propose some Resolutions as an Amendment to the present Motion; and these Resolutions would be the same, with merely a change of form, as those which he had proposed to the Committee. He should confine himself to the first four Resolutions which he had there proposed. He, therefore, would submit the following propositions to the House:—

"1. Whereas, it is the privilege of every subject of the realm, when imprisoned under any authority, warrant, or colour of law, to sue out his writ of *habeas corpus;* and, whereas, on the return of such writ to the Court which shall have issued the same, the officer detaining the said party is bound, under heavy penalties, to produce the warrant which is alleged to authorize the detention of such subject, in order that the same may be duly examined by the said Court, and that the said party may, if imprisoned contrary to law, be duly discharged; and, whereas, for this purpose, it is necessary that each warrant shall set forth the cause of such imprisonment; and whereas, if any authority can, by the law and Constitution of this realm, issue any warrant directing any officer to seize persons therein named, for no cause assigned, and if the Court before whom such parties may be brought by writ of *habeas corpus*, be withheld, by any Order of this House, from examining the said warrant the signature of Mr. Speaker thereto being held to bar all inquiry into the nature of the offence which may be charged against the party, or even into the formal validity or technical accuracy of such warrant, this House considers that the writ of *habeas corpus* would thereby be practically withdrawn from their fellow subjects; and that a power which, since the glorious Revolution of 1688, no Sovereign of England hath ever claimed by Common Law, or otherwise than by special Act of Parliament, might be exercised at the arbitrary will of the Lower House of Parliament, to the great disquiet of the other commonalty of the realm.

"2. And whereas, it is nevertheless essential for the due discharge of the functions of the House of Commons, as the grand inquest of the nation, that it should possess summary powers for enforcing the attendance of their fellow subjects—the commonalty of this realm, before the House; while yet it is not essential that such powers should be exercised otherwise than in a form and manner recognised by law; and whereas, the form of the warrant which constituted the subject of the action, Howard *v.* Gosset, now under consideration, being a warrant to take into custody the body of Thomas Burton Howard, differs from all other forms heretofore used, with one exception; and whereas, in the instance of the said warrant, the object of which is alleged to have been to bring Thomas Burton Howard to the bar of the House, this House did, in addition to the issue of the said warrant, dated 4th February, 1840, order and direct, by a separate and subsequent Resolution, namely, on the 6th February, 1840, that the said Thomas Burton Howard be brought to the bar of the House, thereby implying that the said first warrant for taking the said Thomas Burton Howard was incomplete, and, without such second warrant, insufficient for the said last-mentioned purpose; Resolved, that every warrant to apprehend, which shall hereafter be issued by Mr. Speaker, under the authority of this House, do specify whether the party named therein be to be committed for contempt, or be to be brought in custody to the bar of this House to be examined, or to answer any, and what charge.

"3. And whereas, it hath appeared in evidence before the Committee, that there is no collection of formulas of warrants to be issued, and no complete record or entry of warrants which have been issued, Resolved, that this House will cause certain formulas of warrants to be prepared, in blank, under the advice of the Law Officers of the Crown, and Her Majesty's Counsel, being Members of this House, and with the sanction of Mr. Speaker, which

warrants may be always in readiness for each particular exigency.

"4. Whereas, this House did, on the 15th March, 1843, order that the Atorney General do defend the action brought by Thomas Burton Howard against the Sergeant-at-Arms attending this House, the cause of which action was alleged to have been an illegal imprisonment of the said Thomas Burton Howard by the said Sergeant-at-Arms, under a certain warrant issued by Mr. Speaker, by the authority of the House; and whereas, this House did thereby submit the validity of such warrant to the judgment of the Court of Queen's Bench; and whereas, the judgment of the said Court hath been passed against the validity of the said warrant, and in favour of the plaintiff on the record; and whereas, this House did, by the Order made on the 6th of February, 1840, for bringing Thomas Burton Howard to the bar of the House imply, as aforesaid, that Mr. Speaker's warrant, of the 4th of February, 1840, was not valid for the purpose to which it was applied, namely, for bringing the said Thomas Burton Howard to the bar, and that accordingly the said warrant was, in the opinion of the same House, under the authority of which it was issued, invalid, as it was subsequently held by the Judges in the case in question; Resolved, that the House will not take any steps for reversing the said judgment."

He certainly attached the greatest importance to the last of the Resolutions; but after the length of time at which he had addressed the House, he would not do more than propose his Resolutions as an Amendment, without taking a division upon them.

Mr. *Wynn* observed that his hon. Friend could not at that stage propose his Resolutions as an Amendment.

Sir *R. Inglis* said, that if that were the case, he was sorry that he had taken up so much of the time of the House in reading them, but he certainly should request the opinion of the Speaker on the subject.

Mr. *Speaker* said, that the hon. Member could not then propose his Resolutions by way of Amendment, as the House had decided on the recent Amendment, that the words proposed to be left out stand part of the Question.

Mr. *Escott* observed that if he thought the House had submitted the question as to the validity of the warrant to the judgment of the Court of Queen's Bench, and that that Court had decided on that point, the question would stand on a very different footing to what it did. He perfectly recollected the debates which took place in 1843, when the House directed its Officer to plead to the action; and he was convinced, from what then took place, that it never contemplated submitting the question as to the validity of the warrant to the judgment of the Queen's Bench; but they merely submitted the warrant as a sufficient authority for the proceedings of the Officer of the House. It was understood that the Judges, in case the privileges of the House were pleaded, would at once say that they could not interfere further in the matter. Now, let them consider how the facts of the case stood. The House had directed its Officer to plead to the action, and it was understood that the plea of the authority of the Speaker's warrant would be final. The plaintiff demurred to the plea; and, therefore, admitted the facts of the case as regarded the Speaker's warrant. The Court of Queen's Bench, by the course which it had taken with respect to the argument in the demurrer, seemed determined to thwart, and quash, and destroy the privileges of the House, against the law, and in a manner in which they had no more power than over a court of quarter sessions or any other small court. The plea of these privileges was an answer, in point of law, to all further proceedings. Surely, they should not stop at the decision of the Court of Queen's Bench, but go to the Court of Error, and see whether the Judges of the other courts could be guilty of the absurdity of the Queen's Bench in saying that the privileges of that House did not give them authority to enforce them. They might prepare for any contingency that might arise, and should be ready to act accordingly. He was sure that if they determined to defend their privileges, they would be backed by the opinion of the people of this country. It was his firm opinion, that a question of greater importance to the whole country could not be brought forward; and everything depended on the decision they came to. In 1843, when they pleaded to the action, they never contemplated giving way because one court should decide in a way which was adverse to their just claim of privilege; and that, therefore, they would not, in 1845, go to other courts. He did not believe that they would be in a worse situation if all the other courts were against them. Let them know who took one view of the question, and who took the other. He did not believe that they would endanger their privileges by so doing, for it was clear that they must ultimately take adequate steps to defend them, for the benefit of the people. His hon. Friend the Member

for the University of Oxford said, that it was not becoming the dignity of the House to question the conduct of the Judges. He believed that it was one of the most important functions of the House to do so; and above all, when they proceeded to question and deal with a warrant of the House of Commons as they would with one issued by any petty court, and that, too, on a point with respect to which the House of Commons alone had the right of forming a judgment. Surely the hon. Member for Oxford knew that it was one of the highest functions of Parliament to move an Address to the Sovereign for the dismissal of Judges; and when was there a more fitting occasion for this than after having gone through the different Courts of Judicature, and found that the Judges meant to question the undoubted privileges of Parliament? He confessed that he knew no better occasion for doing so; and if the majority of the Court of Error thought fit to question the privileges of the House of Commons, on the same principle in which it would look into the warrant of the magistrates in petty session, it then would be for the House to take efficient steps to vindicate its privileges. If the question now arose for the first time, he felt that he should much doubt whether it would be proper to vote that the Officer of the House should plead to the action. The reason why he was now in favour of carrying the matter to the Court of Error was, that the House had pleaded before; and that, therefore, they should not stop where they were, because three out of four Judges of the Court of Queen's Bench were against them. The bold course would be not to avail themselves of the forms of the court, as they did in 1843, but to assert the authority of their privileges with effect, through the means in their own possession. As he understood the matter, the Court of Error in the Exchequer Chamber, was not the final court of appeal, but that the case might be carried to the House of Lords. Then came the very important question as to whether the House of Lords was to be allowed to decide as to the privileges of the House of Commons. If an appeal was made from the Court of Error, the House of Lords, as a matter of right, might be called upon to decide on the privileges of that House, as had been done in the Court of Queen's Bench. He did not believe that if the case came before the House of Lords, that that House could put down the privileges of the Commons of England. The hon. and learned Member for Worcester shook his head, but surely he was not afraid of any such result? Difficult as was the case, he did not think that it should deter them from going on in a straightforward and bold line, until they finally secured their privileges, and that they should, in the first place, appeal from what he believed to be the illegal decision of the Court of Queen's Bench on the subject.

Mr. Serjeant *Murphy* could not suppose that the country at large could be induced to regard the privileges of that House with particular anxiety, when it saw from the state of the House that it appeared that it set so little regard on them itself when a question arose between the authority of the tribunals of the country as to the maintenance of their privileges. At that moment there was exhibited in the thin attendance of Members such a state of things that, if it was to be taken as an indication out of doors of the feeling of the House on the subject, it would lead to the inference that it was utterly indifferent to the maintenance of its privileges. Although there was a paucity of Members in the House at that moment, yet, from the presence of the right hon. Baronet the First Lord of the Treasury, they might expect to hear from him a declaration on the part of the Government as to the course which it intended to recommend the House to adopt. When the first question of privilege arose connected with the case in 1837, namely, that of Stockdale and Hansard, he had not the honour of a seat in that House; but he was not insensible to the importance of the question which then agitated the country, and of the conflict which had arisen on it between the House of Commons and the tribunals of the land. He had had the advantage and satisfaction of hearing the arguments addressed to the Court of Queen's Bench in vindication of the privileges of that House, and although he attached considerable value to those arguments, he could not help feeling at the time that a precipitate step had been taken which should not have been; and that, notwithstanding the ability of the learned persons engaged for the House, still the tendency of that course was to fritter away the privileges of that House. His hon. and learned Friend the Solicitor General had stated to the House the present state of the case, and the proceedings which had

taken place in the Court of Queen's Bench. It was true that the Court of Queen's Bench did not pretend to decide on the privileges of that House; but the question arose by the House not allowing the matter of privilege to be placed before that Court; and when the Sergeant-at-Arms made an arrest, and acted under the warrant of the Speaker of the House of Commons, and an action was brought against him for having so done, he was directed to plead that warrant. Under these circumstances it became necessary, in the course of the proceedings, that the warrant should be produced. When this warrant did appear, the question should have been decided on what appeared on the face of the warrant. The warning of the right hon. Baronet as to what might arise if they allowed the Officer of that House to plead, was almost prophetic as to what followed on this point. He conceived that the course taken by the Court of Queen's Bench was an invasion of the privileges of that House. What was their meaning, in submitting to the Court of Queen's Bench the warrant of the Speaker—to announce that the proceedings had taken place under the authority of the privileges of that House, and that their warrant should not be placed on the same footing as one issued by any justice of the country in petty sessions for a misdemeanour? This, certainly, was not the meaning which the House intended to attach to its directing the Sergeant-at-Arms to plead. The Court of Queen's Bench, however, had asserted that the House had assumed an authority by the means which they had taken, which they could not support. Now, was it not notorious to that Court, that this House was an independent court of itself; that it was the great inquest of the kingdom; and that it was the sole representative of the whole commonalty of England; and that it, as every independent tribunal, claimed and possessed the right of being the only interpreter of its own privileges? He contended, that immediately the Court of Queen's Bench saw the validity of the claim of privilege, as shown on the face of the warrant of the Speaker of the House of Commons, that it was bound to obey it. His hon. and learned Friend had said, suppose that a case involving a decision of the House of Lords was brought before one of these courts, how would it act if the authority of the House of Lords was pleaded? Under these circumstances, would not any court of law stop the proceedings, and say that it could not proceed in the face of the decision of the House of Lords? It had ever been one of the claims of that House that it had the inherent right of taking cognizance of its own privileges, and that they were not to be set aside because the Court of Queen's Bench chose to disregard the great principle involved, and proceeded to decide on purely technical grounds, and fritter away the privileges of that House. The hon. Member for Oxford told them that under the circumstances of the case, the question was not as to an interference with their privileges; but that they were calling in question the conduct of the Judges of the land. Now, on this subject he would suggest a point which seemed appropriately to apply to it. When they came to that House at the opening of every Session, one of their first acts was to claim from the Throne that they should have all their privileges preserved to them—that they should have perfect freedom of speech, and all the other privileges which had ever been held by their predecessors, without the interference of the Crown. Was not this a proceeding of almost immemorial usage, which was followed at a time when the relation of the Judges to the House of Commons was very different from what it now was, and when the Judges were removable at the pleasure of the Sovereign? Were they now to be told that a new light had broken in on them, and that a modern system was to be adopted, and that they might exercise their privileges provided they always submitted them to the decision of the Judges of the land, as to the form and validity of the warrant? As to the Report, it appeared to him beset with inconsistencies, with those inconsistencies which always beset people who go to work shilly-shally, instead of grappling at once with principles. The Committee, referring to the cases of Burdett and Abbot (which, in common with that of Stockdale and Hansard, he looked upon as an entire mistake), said that in neither case had the House the least intention of submitting their privileges to a court of law; but what of that, when the court of law regarded the House as doing so, and acted upon that interpretation? When, out of doors, a man had referred his case to a lay arbitrator, and the lay arbitrator giving an award contrary to law, he went to a court of law, the court of law said, "We can't help it, you chose

your own arbitrator, and you must submit to his decision." So, when the House went and submitted its case to a court of law, and then rejected its decision, lookers on would say, "You chose your own arbitrator, and must abide by his decision." He was of opinion that the course proposed by the hon. and learned Member for Bath was the really manly one. The House had committed a mistake—a gross and grievous mistake—having done so, let them pay Mr. Howard his 400*l.*, so as to avoid coming into any further collision with the courts of law; but let them at the same time declare most emphatically and unequivocally, that, for the future, they would come into very decisive collision with any court which should venture to question their authority. This was, in his opinion, the course to be adopted at once; for even if they were to actupon the Report of the Committee now, they would, ultimately, be obliged to take decisive measures for the maintenance of their privileges under, perhaps, less favourable circumstances.

Viscount *Mahon* said, it was with great pain he beheld their old debates on the question of privilege revived. When he remembered what had passed in the House—and out of it—a few years since, and how little the course we then took had added to our real power and reputation, he had hoped that no occasion would have arisen again to kindle the flame of discord and animosity which had died away after the former discussion. But while he referred to the former discussion, he could not help adding the expression of his deep regret at the absence from the present discussion of his hon. and learned Friend the Member for Exeter—of him whose eloquent voice had been so often heard on this subject—that eloquent voice which they might never hear again. With respect to the question immediately before the House, he did not think that the course proposed by the Solicitor General, and approved by the majority of the Committeee, involved any violation of principle. It was perfectly open to us, as it was open to the meanest suitor of the realm, to appeal to a superior court, if we thought ourselves aggrieved by the sentence of an inferior tribunal. In this there could be no violation of principle. But he (Lord Mahon) still objected to the course proposed, not indeed on point of principle, but on the ground of its being inconsistent with prudence and good policy. In his opinion, the hon. and learned Member who had just sat down appeared to have taken an erroneous view of the condition in which that House stood towards the Judges. The Judges had laid down, in the strongest terms, that in this case they did not design or desire to trench on the privileges of the House. Mr. Justice Wightman and Mr. Justice Coltman both laid the strongest stress on the fact, that their judgment went on the technicality of the case, as regarded the terms and wording of this particular warrant of the House. He, as a Member of the Committee, made it his business, in the first instance, to inquire into the grounds of the allegations against the validity of the warrant; and the decision to which he came in his own mind was, that the warrant was not in conformity with precedent; that it bore strong marks of being drawn up in haste and carelessness, and was by no means as good a warrant as they could draw. Why, then, going to a trial of appeal, on a warrant of which the validity was, to say the least, most doubtful, was surely most unwise; it was like marching to a battle with a broken sword, or beginning a lawsuit with a flaw in your deed. He must say, he considered it would be more expedient for the House to wait for some case where their warrant would be in accordance with precedent, and free from the errors of haste and inadvertence; so that in any decision of the courts of law a favourable issue might reasonably be expected. Again, he denied that in every case the House was the sole judge of its own privileges. In the case, for example, which had been supposed in the course of more than one former debate, of violence being resorted to in resisting or in executing a warrant—suppose blows to be struck, or limbs broken, or life lost, would the privileges of the House protect the party? Would they shield a murderer from punishment? The question of excess, therefore, might arise, and it appeared to him to be one of great importance in this discussion. He put that question most especially to the learned Member for Worcester (Mr. Serjeant Wilde); and he hoped that he would not pass by that question in any remarks with which he might favour the House that evening. A still more important consideration was, that in asserting their privileges, they should rest them on public opin-

ion. They certainly had not that advantage now. In reference to this part of the subject, he could not help quoting the words of the right hon. Member for Edinburgh, who said, in 1828, in an essay on Mr. Hallam's *Constitutional History*, since published with the sanction of his name—

"The privileges of the House of Commons—those privileges which, in 1642, all London rose in arms to defend, which the people considered as synonymous with their own liberties, and in comparison with which they took no account of the most sacred and precious principles of English jurisprudence—have now become nearly as odious as the rigours of martial law."

It was certainly quite open to that right hon. Gentleman, or to any other Member, to contend that these expressions applied only to an unreformed Parliament, and were no longer applicable at the present time. But he greatly feared that they, the reformed House of Commons, had not so very greatly endeared themselves to the people, as to lay much stress on this distinction; and he thought that the remarks of the right hon. Member for Edinburgh were at least as applicable now as at any former period. It was true that the privileges of that House were now used for the most honourable purposes; but that had not always been the fact. He need not refer to the case in which the House declared it a breach of privilege to shoot Lord Galway's rabbits, or to numberless other instances, in order to show that the privileges of the House were not always used for public purposes. The House ought to have the power to inquire into grievances; but the gross abuse of that power in former times had very much weakened its influence. He wished the House to bear in mind that the case of Lord Galway's rabbits was by no means, as some people seemed to think, a single or insulated instance; the Journals of that period teemed with such. There were the fish of Mr. Jolliffe, the trees of Mr. Hungerford, the menial servant of Lord Palmerston, and many more, all brought under the protection of privilege; in short, he alleged, and he challenged contradiction on that point, that such was the general course and tenor of all the precedents in the reign of George II. He thought, therefore, that it was desirable that they should wait till some great question should arise where the dignity of the House was really affected, and then the House would have the people with it. But this could not be said of any proceedings connected with the case, already so unpopular and hateful, of "Stockdale and Hansard." Another counsel he would respectfully but earnestly offer to Her Majesty's Government was, to have recourse to legislative measures. It was a course which he would urge, not only on the Government, but on the noble Lord the Member for London, who had shown such great ability and clear discriminating judgment in the Committees which sat upon this subject. Instead of vague and fluctuating claims of privilege, let them have moderate, but known and certain, rights of law. In the case of "Stockdale and Hansard," they had recourse to legislation, and they had no reason to regret it. By means of legislation, they would attain the great advantage of ceasing to array themselves against the courts of law, and to disparage instead of supporting those eminent men who administered public justice; in whom they would then find, not the adversaries of their rights, but, on the contrary, their most watchful guardians, and most constitutional allies.

Mr. *C. W. Wynn* was understood to say that he felt it would be exceedingly difficult for him—even with the indulgence which had been granted to him of speaking from his seat—to do justice to the arguments which pertained to the question before them. He should, however, be sorry, considering the situation which he had held in the Committee, to appear to shrink from stating his opinion to the House. If he could agree with the noble Lord who had spoken last, that this question was one of little importance, and that the decision of the Court of Queen's Bench could be passed by, he might be disposed to think, with him, that it would be more expedient to reserve their strength for a more urgent occasion. But the present case appeared to him to strike at the very root of their privileges, and to have a tendency to destroy that bulwark by which alone they could be maintained—viz., that that House, and that House alone, was competent to consider questions of this nature. If he were inclined to go into details, he could easily show that if they were to submit to a law court examining into the validity of one case, they would have to submit in another. It was almost their daily practice to sum-

mon persons to attend at the bar of that House on a particular day, and if the person failed to attend, to order him into custody. That was a necessary exercise of their privilege. There were numerous cases to bear out his assertion that such had been their constant practice; and he was certainly surprised to hear the noble Lord who had spoken last, and the hon. and learned Member for Cork, speak doubtfully on the point. In the case of the Committee on Charitable Corporations, no fewer than twelve persons were ordered to attend, and afterwards ordered to be taken into custody, there having been some apprehension that they intended to abscond. There were several cases—among others the inquiry into the charges against the Duke of York and the inquiry into the Walcheren expedition—in which witnesses who had attempted to evade the Speaker's warrant had been taken into custody by the Sergeant-at-Arms. How stood the case in impeachments in the other House? Did the Lords allow themselves to be guided by the forms and rules of ordinary courts? Assuredly not. It was frequently the practice, certainly, for the Lords to submit a case to the Judges, with fictitious names, or no name at all, for the opinions of the Judges as to how such a case would be viewed in a court of law, but nothing further. In an impeachment of a Peer for high treason, he moved an arrest of judgment on the ground that a material allegation had been made without a fixed day or time having been named in the averment; but the House of Lords decided that it was not necessary that the time and place should be so specially stated. Hon. Members were of course aware that in courts of law it was absolutely necessary that the time and place at which any circumstance charged against an individual had occurred should be stated; and they would not fail to see that there was no similarity in that respect between the rules which the House of Lords acted upon, and those that prevailed in the courts of law. The House of Lords had ever since acted upon the decision which it then came to, and did not recognise the necessity of fulfilling these legal technicalities in its warrants. If the Parliament made an allegation in its warrant which was intelligible and consistent with common sense, it was quite sufficient, and the warrant required no more special statement than that. But, in fact, warrants rarely stated the cause of bringing persons to the bar of the House, the ordinary course being for the Sergeant to take the individual into custody, and having done so, to state the fact to the House, upon which the person was ordered to be brought in. That was the course which had been adopted for the last century. When he found, in the face of an Act of Parliament declaring the privilege of printing to be necessary to the execution of their functions, that the Court of Queen's Bench held this language:—

"The defendant, he says, being an officer of the House of Commons, is protected by an Order of the House, directing him to do to the plaintiff, the identical act complained of. Such an order of itself, and without more, is an answer to the action. Now, this is the leading proposition maintained by the defendant in the case of Stockdale and Hansard, and it was upon examination deliberately denied by the unanimous judgment of this Court. To this doctrine, established by that judgment, I fully adhere; unquestioned as it has been in any Court of Error, strictly conformable as I am firmly convinced it is to the principles of our law, and essential to the existence of a free constitution."

When he found such language repeated, in a subsequent case, having no immediate bearing on "Stockdale and Hansard," he feared there would be the same disposition to interfere with and deny their privileges. Now, if the privileges of that House were necessary to be maintained, and if it were the case that they could not usefully and successfully pursue those inquiries which were necessary to the due discharge of their functions, without such privileges as compelling the attendance of witnesses, how, he would ask, did it accord with that statement of the Lord Chief Justice? It was said, indeed, as an argument against the course which the House of Commons took, that the Court of Queen's Bench could not compel a witness to attend, without explaining the cause for which he was so compelled; but to that he would answer that no such proceeding was necessary on the part of the House of Commons. When they required a person to attend as a witness, they ordered him to attend at the bar of the House; and if the person so ordered refused to attend, it necessarily followed that he was ordered into custody by the House for so refusing. Let them take the case of Lord Coventry, which was brought

before the other House of Parliament in 1792, as an example of the privilege of Parliament, and the mode of proceeding in maintenance of it. In that case Lord Coventry complained of a challenge having been sent to him, on the ground that it was a breach of privilege; and the House, having examined a witness, came to a resolution that the letter was in the handwriting of a certain individual, and ordered that individual to be sent for and reprimanded. A similar course was pursued in many other cases; and, in fact, it had never been held necessary to state the reasons for causing a person to be brought to the bar of either House of Parliament. The opinions which he (Mr. Wynn) held thirty-five years ago on the subject were still unchanged. On that occasion he brought forward a Motion in that House with a view of supporting their privileges; and he was now as firmly convinced as he then was, of the great importance of maintaining them by their own strength, and from themselves. They were a component part of the Constitution, and it was necessary for the discharge of their functions as a constitutional body that they should protect their privileges.

Mr. *J. Stuart Wortley* said, he regarded the question before them as one of such importance, so far as the privileges of the House and their constitutional rights as citizens were concerned, that he could not allow it to be decided without rendering all the assistance which he was capable of affording in order to enable the House to come to a proper decision. He did not consider the question before them to be merely whether they were to submit their privileges to the decision of a court of law, or whether they should refuse so to submit to them. If that were the question, he would very easily decide it so far as his views were concerned; namely, by maintaining that in no case whatever, whether directly or indirectly, should they submit their privileges to the decisions of a court of law—that in no case should they allow the courts of law to have an opportunity of considering or deciding upon the privileges of the House of Commons; for he looked upon it as essential to the functions of that House, which was itself one of the elements of the Constitution, that its privileges should be maintained. That was not now the question which they were called upon to decide; for the case stood in a very different position; and they were to consider, in the present state of this case, what course it was most desirable to pursue. He apprehended that there was a mistake prevalent with respect to the necessity of issuing a warrant on the part of the House of Commons, in order to arrest a party where their privileges were concerned; for he apprehended that the name of a warrant was often used as a bugbear, and the celebrated case of General Warrants was often brought forward and used for the purpose of raising a clamour and a cry where there was no necessity. It happened, not in the case of arrests by authority of the House of Commons alone, but it happened in many other cases, that subjects were ordered into custody in perfect consonance with the principles of the Constitution without any warrants; and in that case the Court of Queen's Bench had a power beyond what they (the House of Commons) claimed; for the House of Commons claimed the power only during their sitting, whilst the Court of Queen's Bench might for an indefinite period of time, and without any warrant but the order of the court, commit a party to custody for contempt. That was the power which the Court of Queen's Bench possessed, and which it exercised without the issue of any document which any other court could take cognizance of. It was a power which, he ought to remark, was not confined to the Court of Queen's Bench, inasmuch as it was in the power of any court of record to commit a party for contempt, for an indefinite period; and if a writ of *habeas corpus* were taken out, and that it averred in reply that the committal was for contempt of a court of record, there would be at once an end to the question. He could instance a case which recently occurred in one of our dependencies, and in adverting to it he would not treat it with the same contumely with which it appeared to have been treated by the hon. and learned Member for Bath. The case to which he alluded occurred before the Royal Court at Jersey: that court committed a British subject, for contempt, to prison, and did so with an unwise and unnecessary degree of harshness. The case was brought by *habeas corpus* before the Queen's Bench in England, and it was decided that *habeas corpus* extended to that dependency; but it was pleaded, in an answer, that no

warrant was necessary for the committal of the party in Jersey for contempt, and he was remanded to Jersey, in custody, accordingly. That was another instance of the power to order a party to be taken into custody without a warrant. But he would remind the House that they (the House of Commons) issued a general order to take every stranger found in the House into custody, and they even could extend that to the lobbies of the House—nay, more, for in former days, when the conduct of footmen was different from what it was at present, they issued an order that footmen found in particular parts of the neighbourhood of the House should be committed. But their power went further, they could commit one of their own Members; and he apprehended that they had the power to order even the Speaker into custody. Did not that clearly establish the privileges of the House, and that they were, if not anomalous, at all events unlike the privileges of other courts? If they supposed a case of great emergency in which it would be necessary to order a person into custody without a warrant, they could at once see the nature of this privilege. Suppose the case of the gunpowder plot, that it became necessary to arrest the leading conspirators who entertained the design of blowing up the Members of the House, could not the Sergeant-at-Arms, without any warrant, seize upon the principal conspirator, and drag him to the bar of the House, and could not the House commit that conspirator without any warrant? But they (the House of Commons) were not the only persons who had a power of committing without warrants, and he could on that occasion remark that they were not Ministers, but the elements of the Constitution—they were not the only body which could arrest or commit without a warrant. In the case of an ordinary felony a constable took a man without a warrant; and if a constable saw an assault committed, he took the person who committed the assault without a warrant. Perhaps a party might in such cases resist a constable who did not acquaint him with the cause for which he was about to take him into custody; but if the Sergeant-at-Arms took a party without a warrant in cases similar to those which were adverted to, although it might reduce the crime of the party in killing a man resisting the arrest to something lower than murder, yet no action would lie against the Sergeant-at-Arms for taking the party into custody. With respect to directing the Attorney General to plead for the House, in order that he might instruct the Court that the privileges of the House should not be interfered with, however he might approve of such a course, he would remind the House that when once they pleaded they became involved in all the legal technicalities of the plea, and were thus prevented from disclosing the real merits of it as they might desire. It was impossible to read some of the judgments, and not to see that they were based on erroneous grounds; for judges were like other men, and he could not help hoping that the result might yet be different from what it had been. It had been asked if the next decision was against them, what would they do? His answer was, that they would be in no worse position than that which they occupied at present. Then the question would arise of the expediency of an appeal to the House of Lords; and although that had been looked upon as a delicate question by some, yet he could not say that he saw any difficulty in it. On the contrary, he should with greater confidence submit the case to the House of Lords than to any other tribunal; for the Members of the House of Lords were themselves jealous of their own privileges, and the House of Commons were in this case only maintaining the exercise of privileges which the House of Lords had over and over again exercised. He was in that case supposing a decision against the privileges of the House of Commons. But supposing the decision were in favour of the House of Commons, was it probable that the other party would go before the House of Lords? In an appeal to the House of Lords, they (the House of Commons) could have this advantage, that they could represent their privileges in that House, it being partly legislative and partly judicial, and it would consequently have the power of receiving and considering that information with respect to the privileges of the House of Commons which they could not set forth before a court of law. Whenever the case should arise of their being obliged to appear before the House of Lords in the maintenance of their privileges, he agreed with the hon. Member for Winchester in believing that there was no danger that the House of Lords would succeed in bearing down the privi-

leges of that the stronger member of the Constitution. The hon. and learned Member for Bath asked what they should do in case of a great emergency, such as an invasion? He had asked were they to wait until the case was decided by the slow and technical process. This, it ought to be remembered, was no emergency similar to that to which the hon. and learned Member alluded. It was a case which, on the contrary, afforded them an opportunity of acting with wisdom and without precipitation, and of maintaining their privileges with prudence. In all cases where their privileges were invaded, whether they took a milder or a stronger course, it was essentially necessary for the House to assert those privileges, and prevent them from invasion, either from the courts of law or from any other source.

Lord *John Russell:* I do not feel that I can altogether avoid taking a part in the discussion of this question, after the statements of my hon. Friend the Member for the University of Oxford, and of the noble Lord the Member for Hertford. Had the only question to be discussed been that which was proposed by the Solicitor General, I should have been satisfied to rest upon the statement of the hon. and learned Gentleman, clear and able as it was, and to have voted with him, without intruding upon the House any observations of mine; but the hon. Baronet the Member for the University of Oxford, and the noble Lord opposite (Lord Mahon), have expressed opinions with respect to the powers and privileges of this House, which, agreeing as I do with the Solicitor General, I cannot allow to pass unnoticed. The noble Lord told us of various instances in which the privileges of the House had been abused; and the hon. Baronet advises us to acquiesce in a judgment which has been stated to be conformable to the law, and to submit in future to the judgment of the Court of Queen's Bench. That is inconsistent with the view which I take of the privileges of this House; inasmuch, as I consider it as necessary for this House to maintain the law and privileges of Parliament, as it is for the Court of Queen's Bench to interpret and maintain the Common Law of the country. If I refer to authorities, I find this statement made by Lord Tenterden, and by the noble Lord who is now deservedly Chief Justice in the Court of Queen's Bench. That noble Lord states, in the case of Howard against Gossett, that Parliament are the judges, by the law and the custom of Parliament, of their own privileges; and that the Judges of the Court of Queen's Bench must presume that they have decided according to that law. Sir, I confess that, in my opinion, it is as preposterous for the Court of Queen's Bench to decide as to the extent and nature of our privileges, and whether or not we have the authority in the case which we state we have, as it would be for this House to take into its consideration a judgment of the Court of Queen's Bench upon a point of Common Law, and to decide by a majority that the Judges were wrong, and that the Common Law is different from what they had stated it to be. I consider the law and custom of Parliament to be as much a part of the law of the country as any other part of the law. And yet upon the contrary view has been founded much of the prejudice and much of the error upon which those who oppose our privileges have gone. They say, why do you not obey the law—why not act in conformity with the law—why set up your own arbitrary caprice, your own will and pleasure (according to one of the Judges, Mr. Justice Coleridge) against the decision of a Court of Law? My answer is this—that our privileges, and our declarations of those privileges, are as much law as that which the Judges declared to be law; and, therefore, it would be as easy for me to say, with respect to any question which the Court of Queen's Bench decided upon, after it declared what was the Common Law, with much consideration and due consultation of the authorities—it would be as fair for me to say, "This is the will and the caprice of the Court of Queen's Bench," as it is for them to say that the decision of this House, with respect to its privileges, is the will and caprice of the House of Commons. It is the deliberate judgment of a court qualified to judge with respect to the law which is confided to its hands. So the greatest Judges in the courts of law have stated: Lord Tenterden, following all the authorities, has declared that we are the judges of our own privileges; and, therefore, I cannot but protest against opinions which have been delivered in this House which go upon the contrary assumption, and pretend that we are setting ourselves up against the law, or presuming to

decide upon that which is not within our province. I need not enter upon the question of precedent, because the right hon. Gentleman the Member for Montgomery, who is the best qualified to guide the House in its deliberations upon such points, has given precedents for the exercise of this power; but with respect to the value of the power, I will venture—following other hon. Members—to assert that the use of the power is absolutely necessary for the exercise of our functions. It would be quite impossible in the case of any inquiry upon a public question with reference to a public officer, or a person engaged in the administration of justice, to pursue such inquiry with effect, unless you had the power of bringing that person before the House; and if he refused to come by summons, or unwillingly, and you suspected he sought to evade your authority, of compelling him to attend personally. But there has been—and this I consider to be the foundation of the recent judgment—there has been amongst lawyers, and those who have obtained the eminence of Judges, a narrow view of the question of Parliamentary functions and Parliamentary powers. No greater instance can be given of this than the fact that Lord Erskine, a man of great powers of mind, of comprehensive understanding, and of almost unrivalled eloquence, was found to be, with regard to any point involving the privileges or the functions of Parliament, totally inadequate to form a correct judgment of those functions. He even went so far as to state that there could be no impeachment, except in a case where an indictment would lie. Why, Sir, it is quite obvious that an impeachment by this House may go upon a question—nay, it has gone upon a question—of a Treaty injurious to the interests of this country, upon the cession of possessions of the Crown which ought not to have been ceded, or upon such questions as those with regard to Lord Oxford, Lord Bolingbroke, or Lord Somers, that they endangered the balance of power; or upon such a question as that raised in the case of Mr. Warren Hastings, that he was guilty of abuses in his exercise of the vast powers he possessed in India. And will you tell me how, upon such points as these, indictments could be preferred before the Court of Queen's Bench? and how it could be argued in that Court that the balance of power was endangered by the Minister of the Crown, who was the object of the impeachment? We, therefore, must come to the conclusion that the Members of the House of Commons have functions which may be higher—which, I say, are higher in their nature—but, at all events, are of a different nature from those exercised by the Court of Queen's Bench. I am not disputing the right of the Judges to the exercise of those powers which belong to them. I am not questioning their accurate exposition of the law, and their conscientious administration of what they conceive to be the law; but there is no similarity between a question which regards the administration of public justice according to the Common Law, and that which concerns the safety of the Constitution according to the law of Parliament. These two questions are totally distinct and opposite; and when a learned Judge says that he has examined the warrant of this House, and scrutinized it technically, as he would the warrant of a justice of the peace, and that the warrant ought to have been differently framed, I say that he totally mistakes the functions which belong to the House of Commons. Suppose, for instance, some such question to arise as may arise every day. We had a question the other day respecting our fortifications, and the safety of our seaports. The right hon. Gentleman the First Minister of the Crown said, that he did not wish it to be stated in this House what was the nature of our defences, wherein our strength consisted, or what preparations might hereafter be made against the attack of a foreign enemy. The right hon. Gentleman exercised his discretion in this respect, in the way that might naturally be expected. But supposing that some officer who was entrusted with plans, directions, and secret instructions with respect to those defences, was ready to betray them to a Power with which we were then at war; if the question came before this House, and it was asserted that a person was thus acting, and that the safety of the State was endangered, will any man say that our Speaker must wait till he had consulted the most astute lawyer he could find before he could sign a warrant by order of this House to arrest the man who was about to reveal those secret instructions to a foreign enemy—that he must look for precedents which the Court of Queen's

Bench would acknowledge—that he must take all the refinements of special pleading —that he must state, according to one Judge, the mode in which the warrant was to be executed, in order to bring the individual before the House; or, according to another, what was the urgent cause upon which the House issued its warrant; and if the warrant was not in exact form, if it was not drawn with all the niceties and technicalities of which the Court of Queen's Bench would approve, then that the person whom you were about to arrest as being about to commit treason to the country, and to endanger the safety of the State, might lawfully commit an act of homicide against the Officer of the House—will any man hold such a doctrine as that, or contend that the Court of Queen's Bench is justified in looking thus technically and narrowly into our warrants? Sir, I say it is necessary for public purposes, and is of great benefit to the country that we should have this power; and, after all, when we are told that this is an arbitrary power—that it is making the House of Commons supreme, and establishing its will and caprice—I say, with respect to this question, as with respect to other questions with regard to which any powers are to be exercised, there must be some authority with whom the absolute discretion must rest. In the conscientious exercise of its own powers the Court of Queen's Bench is supreme—in the exercise of its own powers the Court of Chancery is supreme; but suppose cases of abuse to arise—for I will not shrink from that question — where does the Constitution vest the ultimate power? Is it in the Judges of the Queen's Bench, or of the Courts of Common Law? Certainly not; for there are laws which provide that the Judges may be removed by address of both Houses of Parliament. Therefore, it is not in them that the Constitution vests the ultimate and irresponsible power. Where then is it vested? Why, where the public safety is concerned; for the immediate purpose for which the exercise of that power which is necessary for the public safety, the power is vested in this House for this purpose. But is there no check upon this House? Undoubtedly there is; and if this House abused its power, or exercised tyranny at the suggestion of any private individuals, or for the sake of assuming despotic powers, and exercising them in a way wantonly to infringe the liberties of the people of this country, then with the people themselves would rest the power, and no sooner would an election come, than the people would say that they disapproved of our proceedings, and would resist our tyrannical despotism. And, therefore, I say, with respect to this question, as with respect to all others — the Queen, exercising her sovereign powers according to the Constitution—the House of Lords, exercising its powers according to the Constitution—and the House of Commons, exercising its powers according to the Constitution—it belongs ultimately to the people of the country to decide. So long, indeed, as they are satisfied with the manner in which the powers entrusted to each of these bodies by the Constitution are exercised, the people do not actively appear; but they would resent any disposition to exercise tyrannical powers. And do I want confirmation in this? My noble Friend the Member for Hertford says that powers in the course of the last century received general assent which would now meet with our reprobation. If so, then we want no check. If we are averse to stretching our power beyond what is necessary, my noble Friend is himself a witness that it is not necessary to check us in the exercise of the power that belongs to us. If my noble Friend refers to history, and goes to the last century for instances of abuse, I will carry him to the century before. I will take him to the Court of Queen's Bench—I will show him Judge Jeffries presiding there, and will quote his words —I will put that Judge before him, trying Algernon Sidney, and I will ask him, if the House of Commons has abused its privileges, whether the Judges of the Queen's Bench have not, in former times, abused theirs? But let us not rely on these instances of historical abuse. The noble Lord cannot say—no one can say—that the House of Commons at this time is disposed to stretch its privileges beyond their legitimate exercise. I do not think that the recent cases have arisen from anything but a wish on the part of this House to exercise its powers for the benefit of the public generally. No man can say either that there exists in the Court of Queen's Bench any such dispositions as actuated Judge Jeffries and the infamous Judges who presided in the courts of law before the Revolution of 1688; but there is this dispo-

sition :—The House of Commons having had to struggle with adverse powers, and being now in itself a strong body, there is in the courts of law a disposition to take a narrow view of its functions and its privileges, and to pare them down to their own technical definitions. I do not say that they seek thereby to increase the powers of the courts of law ; but the result is extremely injurious to the country. If they were to succeed in forcing us always to frame our warrants in a technical form ; and, above all, if they were to inspire those who are to execute our warrants with a fear that they would not be supported by the House, it would seriously injure the powers which we exercise. Sir, I have thought it necessary to say thus much, because my hon. Friend the Member for the University of Oxford has upon this occasion taken the opportunity again to question the privileges of this House. Whatever be the state of the argument, I have no difficulty in making up my mind as to the general question of the privileges and powers of this House. With regard to the immediate question before the House, I own I see greater difficulty ; but looking at the question immediately before the House, that which I own inclines me to concur in the proposition that we should proceed by writ of error, is the extreme difference of opinion which prevails amongst the Judges of the Court of Queen's Bench. I find it impossible to collect from that diversity of opinion, the grounds upon which they mean to take their stand. Mr. Justice Wightman says that the warrant is not sufficient, because, though it recites the Order of the House that Thomas Burton Howard should be sent for in custody and taken into custody, it does not say what was to be done with him when in custody, and does not say that he was to be brought to the bar of the House—in short, it does not say that if Thomas Burton Howard should be found crossing the street at Charing-cross, the Sergeant-at-Arms would be justified in doing more than in stopping him in the middle of the footway, while he was surrounded by the carts and carriages which were passing. But Mr. Justice Coleridge, who takes a more rational view of the case, says, that if that were all, the sense is quite plain ; it is quite plain what the House intended, and plain what the Speaker meant by the warrant which he issued, pursuant to the Resolution of the House, and that he should have no difficulty in forming a judgment upon that part of the case—the part of the case upon which Mr. Justtce Wightman founded his sentence against the House. But Mr. Justice Coleridge finds another fault—he finds fault with the warrant, because it does not state the particular cause for which this person was ordered to be sent for in custody. Sir, I own if I thought that opinion of Mr. Justice Wightman somewhat trivial and technical—if I thought it a somewhat small and trifling way of dealing with the Order of this House—I find this opinion of Mr. Justice Coleridge, on the other hand, most extensive and alarming—because, if we were to say before any one is sent for in custody, why he was to be sent for—if that was to be the course, Mr. Justice Coleridge would have a right to decide whether the cause was sufficient. The House having decided that Matthew Prior was engaged in negotiations dangerous to the interests of the country, that he had carried on intrigues with Foreign Powers, and that there was reason to suspect that he intended to alter the dynasty established by Parliament—put all that in your warrant, and Mr. Justice Coleridge would feel himself bound, according to this opinion of his, to enter into the whole question to say whether there was sufficient cause, perhaps to pronounce that the intrigue had not gone quite the length of high treason, that the correspondence did not quite amount to an indictable offence, or constitute a sufficient cause for issuing an order that the individual should be taken into custody. Why, Sir, it does then come to this—that the Court of Queen's Bench, by its own narrow views—by its own views limited in their extent with regard to the law and the Constitution of the country—is to judge of the powers and the functions of this House. Such is the conclusion to be drawn from the opinion of Mr. Justice Coleridge. Then my Lord Denman again seems to take another view of the subject; in the course of which he positively says that it is not sufficient for the House to assert that a particular course has been taken in conformity with the privileges of this House. That he asserts to be the result of the judgment in Stockdale and Hansard. Altogether, then, these opinions are very various ; but they all alarm me with respect to these assertions as to the law and the privileges of this House. If I take Mr. Justice Wightman's opinion,

I cannot consent that our warrants shall be judged by those technical rules which would be applied to warrants issued by a justice of the peace. I cannot consent, as the Report truly says, that any inferior court, as well as the Court of Queen's Bench, shall be at liberty to pick our warrants to pieces, and by the exercise of some special pleading to prevent objects being carried into effect which may be of the highest importance to the interests of the country. If I take Mr. Justice Coleridge's opinion, I cannot agree that in every case in which the House shall think fit to act, whether it be sudden or urgent, or high, or important, it is necessary to state the grounds for that judgment of the House. If I take Lord Denman's opinion, I cannot agree with him that this House is not the place in which its privileges and its powers are to be decided, both as to their nature and their extent. Well, then, I have said that these opinions thus differing, induce me to proceed to a Court of Error. I cannot help thinking that an opinion pronounced hastily in the first case of Stockdale, has been the foundation of much misapprehension and mistaken consistency in the judgments of the Court. I cannot help thinking that all these considerations, with the decisions of Judges of former times, men of high reputation, and who presided in the courts of law with satisfaction to the country, will be weighed by the Court of Error, and by the Judges generally, if the case goes before them. My hon. and learned Friend (Sir Thomas Wilde) is of opinion that by going before the Court of Error, we shall allow our privileges to be still further called in question; but I own that I have never been able to see ground for saying that beyond a very trifling degree we shall make any sacrifice of our privileges, because it seems to me that the question which the House first submitted to a court of law, namely, that the act had been done in conformity with its privileges, and in pursuance of the Orders of this House, will be the very question to be submitted to the Court of Error. We do not submit all the opinions of the Judges on these particulars to the Court of Error; but what we submit is the first and primary question, whether they ought not to be satisfied, first, with the authority of this House, and next, with the production of the warrant, bearing the name of the Speaker. If upon argument the Judges decide in our favour, or point out in what respect they think that those privileges which have been asserted in former times successfully, are mistaken by us, in that case we shall have a light that may guide us in our future course. For my own part, I shall not say what that course ought to be, in case the judgment should be in our favour, or contrary to our privileges. I think it must be much directed (and if it were not so, I should not agree in advising it) both by the judgment, and by the reasons which may be given for it. That this House has power —a great and paramount power—to assert its privileges, I have a most confirmed persuasion; but if you mean to assert it by your own authority, you must not be blind to the public inconvenience that may be occasioned by it. The House, by stopping its functions, and refusing to act at the beginning of the Session, till it had all the powers and privileges necessary to enable it to exercise its functions with efficacy, and by a declaration of its determination to that effect, would reach every power of the Constitution—whether it appealed to the Executive for authority, or to the House of Lords for concurrence, and would oblige them to agree to its fair and just requests; but n making that demand, and especially in the first assertion of it, there would be great public excitement — great agitation — there would be much misconception, and it would be said that you were endeavouring to override and overbear the decisions of the courts of law. For that reason I think it better to have further time to consider—that some delay should be interposed before you take any decisive steps, rather than, as has been proposed by my hon. Friend the Member for Montrose, you should now assert your privileges. But when the time shall come — when the Court of Error shall have decided—whatever that decision may be—I think, without going to the House of Lords, you will have all the materials before you for shaping your course. When this very question was in agitation in the year 1843, I said you ought to plead, because you could not otherwise formally inform the court of law that your privileges were invaded. No learned Gentleman whose advice I asked could tell of any other way in which the court could be informed that

the privileges of this House were concerned. But I was of opinion that all persons engaged, whether plaintiff, solicitor, or counsel, should, one after another, be summoned to the bar of this House, and if he persisted in his proceedings, committed for contempt. This was the course recommended by Mr. Ponsonby. I have a very great respect for the authority of Mr. Ponsonby; and I think the course which he recommended was the best for the House to adopt. It may be too late, or it may not, to pursue that course with respect to the actions now pending. But, at all events, I am disposed to wait until we have the judgment of the Court of Error. Until we shall have laid before that Court the grounds upon which we think our privileges are concerned, and that they ought not to be questioned by the Court of Queen's Bench, I would not consent that the Speaker should be directed by the House to frame another form of warrant, or to endeavour by niceties of construction to avoid the questions that might arise. I believe that all precedent and reason entitle us to say that a warrant which is drawn up in common sense, desiring the Sergeant-at-Arms to bring an individual in custody, and so worded as to be understood by common men, is quite sufficient; and I regret—I very much regret—it is that part of the judgment of the Queen's Bench which I most regret—that ever any question was raised as to the execution of such a warrant, and of what might happen, if a person resisted its execution by force. I should not have adverted to that point, so reprehensible do I consider that opinion, had not my hon. Friend the Member for the University of Oxford, thought it necessary to refer to it. I consider that if any mischief or any violence should ensue, in consequence of the expression of that opinion, on the Judge who delivered it will rest the responsibility of those consequences. Our warrants have been hitherto obeyed as the lawful warrants of an authority known to the Constitution. No person do I ever remember to have attempted to resist them by violence since the Revolution of 1688. To have raised the question that they might be so resisted, and that if that resistance was carried to an act of homicide, it would not necessarily cause a verdict of murder, is a doctrine so dangerous, that I can only trust that any one who may be the subject of such a warrant will be too well advised to expose himself to the consequences of acting upon such an opinion. But if such a case should ever arise, our remedy is tolerably clear, although it is not one to which I should wish to resort. The Sergeant-at-Arms is an Officer of this House, originally appointed by the Crown to do our behests, in order to enable us to perform our functions. If the Sergeant with his mace is not sufficient—if he, acting under the warrant as signed by your Speaker, is not sufficient—we must address the Crown for such an armed force as it can place at our disposal to assist in its execution; and it will be the duty of the Minister of the Crown to see that the Sergeant-at-Arms is sufficiently reinforced for the execution of the warrant. In the case of Sir F. Burdett, although he shut himself up in his house, and there was a large mob, the soldiers did not hesitate to assist in the execution of the warrant, and the Judge who had to decide on that question pointed out that they were engaged in the execution of their duty. It is lamentable that the Judges of the land should raise a question presenting to our contemplation the necessity of employing a military force for the execution of warrants; but upon them, I repeat, must rest the responsibility of hinting at such a thing. For my own part, I am for taking all moderate courses—courses of caution and delay. They may be called pusillanimous—they may be said to be endangering the privileges of this House—I am, nevertheless, ready to take them; but in the final result, I think the House cannot part with privileges which are necessary to its existence, and without which its existence would be an evil rather than a good.

Mr. *Fitz Roy Kelly* begged to express his entire concurrence with the noble Lord who had just sat down, in the proposition that the privileges of that House should be determined in that House, and in that House alone, and that the privileges of the House, as established by the deliberate Resolution of the House, became part and parcel of the laws of the land. He conceived, however, that it was from misapprehension of the true meaning and effect of this undoubted legal proposition, that so many, so unjust, and so unfair attacks had been made upon the judgment of the Court of Queen's Bench. He could not but persuade himself, if any hon. Gentleman in that House would deliberately sit

down and examine the judgment which had been so much impugned, of at least two of the Judges, that he would find nothing in that judgment inconsistent with the principle which he had that moment ventured to state, as the principle adopted by the House, and forming part and parcel of the law of the land. It was not his intention to offer any opposition to the Motion of his hon. and learned Friend the Solicitor General. He was not disposed in any way to oppose the issuing of a writ of error. But as the Motion made in and adopted by that House, empowering the Sergeant-at-Arms to plead to the action, and out of which the present proceedings had arisen, appeared to him to have been much misunderstood by many hon. Members, he felt it his duty to state the ground on which he had concurred in that Motion, and the grounds on which he was now disposed to acquiesce in the Motion of his hon. and learned Friend, that this case should be further submitted to a Court of Error. He could not but think that any hon. Member of that House who supposed that, by authorizing its Officer to plead in the action brought against him by Howard, the House, in fact, at once informed the Court of Queen's Bench that the act complained of had been done under its authority, and that it thereby at once established a defence into which the Court could no further inquire, must have taken a most limited and erroneous view of the law of this country. He must take leave to say that he heard with inexpressible astonishment, on a former occasion, from the hon. and learned Member for Worcester (Sir Thomas Wilde) a statement to the effect that such must have been the opinion of many, and the grounds of the proceeding of many Members of that House, in concurring in the Resolution that the Sergeant-at-Arms should be permitted to plead to the action in the Court of Queen's Bench; that those hon. Members thought that by such a course the Court was informed that the act in question had taken place under the authority and Order of the House, and that, therefore, the Court of Queen's Bench was bound at once to admit the plea. He could only say, that if such were the impression of any Member of that House in supporting that Resolution, it was not his; and he was utterly unconscious that such an impression prevailed. He certainly well remembered that the right hon. Baronet (Sir R. Peel) suggested that the warrant might be criticised, and that the Court of Queen's Bench might inquire into its validity. It might be that he had only imperfectly heard what had fallen from the right hon. Baronet on that occasion; but to him, and he might venture to say to any lawyer in that House, to suggest a doubt, that in regard to the only plea which could be pleaded to such an action, the Court of Queen's Bench would not inquire, on ordinary principles of law, into the validity of the warrant, must seem perfectly incomprehensible. He must here take leave to inform the House—and he was sure that in this proposition he would have the concurrence of his hon. and learned Friend opposite (Sir T. Wilde)—that when an individual, be he who he might, was impleaded in an action, and pleaded to that action, and put himself at issue in any court of law in this kingdom, it was impossible, without a violation of law for that Court to distinguish between that individual and any other individual who might be party, plaintiff or defendant, to an action. It made, and could make no manner of difference, when parties were before the Court of Queen's Bench, in an action of trespass, and the defendant pleaded his justification, whether the defendant were an Officer of the House of Commons, of the House of Lords, or of the Crown, or any other party, no matter how humble in the State. The Court was bound to administer the law—to construe and give effect to the plea, as regarded the Officer of the House, in precisely the same manner, and on precisely the same principles, as it was bound to do in the case of the poorest and the humblest mechanic or peasant in the land. Such was undoubtedly the law, and such was the undoubted duty of the Court of Queen's Bench. The House would now permit him to advert to what was the real effect and consequence of pleading to the action, under the authority of the House, by its Officer. If any hon. Member supposed that that was merely a means for informing the Court that the act complained of was done under the authority of the House, and that greater effect was to be given to that act, upon that information, by means of the plea, than to an act concerning another individual under other circumstances, the information as to which was similarly conveyed to the Court, the idea which he entertained was altogether erroneous. Where an action was brought against an Officer of that House, the Officer, if he pleaded to

the action, must, if he justified, set forth his justification in the plea. In the present case, he might briefly advert to the circumstances which led to the action, as, by so doing, the House would be possessed of what was the true question which was tried before the Court of Queen's Bench, and what was neither more nor less than the true and real effect of the judgment. Mr. Howard brought his action against the Sergeant-at-Arms, or rather, against the individual, Sir William Gossett, and alleged in his declaration, that he had been arrested and imprisoned. The defendant, in answer to that charge, pleaded certain Resolutions and proceedings in that House, and then proceeded to set forth the warrant—the warrant of the Speaker—which was used on the occasion in question, and to justify the arrest, under and by virtue of that warrant. Now, in such a plea—for such was the law of the land, and if they were to alter it they must do so by an Act of Parliament, and by that alone—in such a plea, the defendant must stand or fall on the legal validity of the warrant. If an assault were committed on any subject of the Crown, and he brought his action for such assault, and the defendant justified by virtue of a warrant, if the warrant were good and valid in law, the defence was established; but if the warrant were bad in law, whether it were bad in substance or in matter of form, the defence failed, and the Court had no choice, but must give judgment for the plaintiff. It was, therefore, upon this plea the question, and the sole question, for the consideration of the Court of Queen's Bench, whether the warrant upon which the defendant, in the present case, rested his entire justification, was or was not a valid warrant, in point of form and substance, according to the law of the case. He would not then follow the example which had been set by some hon. Members, and enter at present into the discussion of that legal question. He could not think that that House was the most proper or most convenient place for discussing a technical question of law. But he must observe that it was a question of far higher importance than it seemed to be thought by some hon. Members, who treated almost with levity the judgment of the Court, and the arguments upon which that judgment was based. It was, indeed, a matter of the highest constitutional importance to know, whether that House or any other body or authority in this country could defend a warrant as legal and valid, according to law, under which one of Her Majesty's subjects had been arrested and imprisoned, that warrant setting forth, as was alleged in the present case, no cause whatever for such arrest and imprisonment. Let it not be supposed that he was then venturing to pronounce an opinion that such was the warrant in the present case. That was a point for discussion in the Court of Queen's Bench. It might turn out, on a writ of error, that the Queen's Bench was wrong in holding that the warrant set forth no cause. It might be that the Court of Error might so consider this warrant, as to hold that, looking to its recital, and looking to the language in which the order was given to arrest the body of the plaintiff, sufficient cause did appear, and that, therefore, the Officer of the House was justified in what he did. On that question he would now offer no opinion, for the reason which he had already stated. That would be a question for the consideration of the Court of Error, and he doubted not but that then full justice would be done to it. But, with respect to the proposition that that House, or any other power in the country could, by the law of this country, arrest and imprison a subject of the realm, under a warrant, without any cause assigned; that might be the law, and he would at present offer no opinion as to whether it was or not; but, if it were the law, he must say that the Habeas Corpus Act was a mere nullity. If that House could, by its mere Resolution, or by any other act which it might choose to do, give validity to its warrants, the House assumed in such a case to itself a power, by its own separate Resolution, of repealing the Habeas Corpus Act—of repealing, in fact, the whole common law of *habeas corpus*, as far as related to its case, and to the acts of its officers. Nor did he propose at present to enter into this question. But, again, with regard to the warrant itself, it had been said that this question was determined by the Court of Queen's Bench as a question of privilege, and that the Court had taken upon itself to determine the privileges of that House, and to assail these privileges. He had had the misfortune, humble individual as he was, to incur the censure of his hon. and learned Friend opposite (Sir T. Wilde), and, amongst others, of the noble Lord the Member for London (Lord John Russell), whose opinions on any subject, he could

not but listen to with respect, because, being a Member of that House, he was supposed to have argued in the Court of Law against the privileges of the House. He thought that he should be able to convince the House that no question touching the extent of its privileges, that no question which could properly and constitutionally be discussed in that House, and in that House alone, was really involved in the discussion had before the Court of Queen's Bench. But if such questions were involved, he might lament that he had incurred the censure of those whom he so highly respected and esteemed; but he must say, that if he erred on this occasion, he had been led into that error by the House itself; for he must take leave to remind the House, that another Member of the House the former Attorney General (Sir Frederick Pollock), and one who was now a Member of the House (the Solicitor General), had been both ordered by the House, and they had obeyed that order, to do the very act which he had been assailed for having done; that was to say, to argue in a court of law a question supposed to involve the privileges of the House. Was he to be told that he was unable, after having argued that question, to come into that House, and to express an unbiassed opinion, and to give an independent vote? If that were so, his hon. and learned Friend the Solicitor General was in the same predicament; and he too might be supposed unable to come to the House with an unbiassed and unprejudiced mind, and unable to form or to give an independent vote. Surely, it would not be said that they might fetter the vote of any individual Member of the House, if he happened to be a member of the Bar; but that the same was not to be the case with regard to the Attorney or Solicitor General. He could not collect, from anything that fell either from the noble Lord, or from his hon. and learned Friend opposite, or from his hon. Friend the Member for Sutherlandshire (Mr. D. Dundas), who, on the occasion to which he (Mr. F. Kelly) referred, had addressed the House, and first impugned his conduct—and he was unable to learn, from what had fallen from any hon. Member opposite, on what ground it was that a Member of that House, being a member of the Bar, was worthy of censure for arguing a point of law, before a court of law, although the point in dispute might afterwards become a matter of discussion in that House. He would submit to the House another consideration which it might deem worthy of its attention. Where a single individual, perhaps one of their own constituents, brought an action, a *bonâ fide* one, perhaps, against an Officer of that House, the House stepped forward to defend its Officer, with the public purse at its command, with unlimited other resources and power, and ordered the first and most eminent counsel of the day to defend its case; and was it fair and reasonable to take away from the individual bringing the action any assistance which he might have it in his power to derive from the employment of some other counsel? If that were so, he must beg pardon for having obtruded this personal question upon the House, and he would pray the House to come at once forward, and by Resolution declare in what cases, and on what questions, it would be competent for Members of the House, being also members of the Bar, to appear and plead in courts of law; and when such a Resolution should be passed, those in his predicament would be better able to determine whether they should turn to the people or to that House; and to which they should give their exertions. It was said that the judgment in this case assailed the privileges of the House; and most undoubtedly, if the defence had been that which it seemed to be supposed by many hon. Members to have been, such would have been its character. But he thought that it would be found, however technical the inquiry might be, in looking into the plea, that it involved no question of privilege. The plea justified the arrest of the plaintiff, by virtue of the warrant, raising only the question whether the warrant was a legal warrant. True there was an allegation in the plea of certain proceedings in that House. It stated that Howard had been summoned to appear, that he had contemptuously refused to appear, and that it was on his contemptuous non-appearance, and, as the plea proceeded to allege in general terms, according to the usage and practice of the House, that the warrant was issued under the authority of the House. Now, what the Court of Queen's Bench held upon the plea was this, that it alleged nothing touching the privileges of the House, and that their decision did not involve the position that the House had not the privilege to arrest in the first instance without notice, without warning, without disobedience or any offence com-

mitted. What they held merely was, that it did not sufficiently appear by the allegations in the plea that it was the privilege of the House to arrest the Queen's subjects on warrants issued in such a form as this. That was the effect of the judgment; and he would venture to observe that if this plea, instead of the general language it contained, and which those who understand this question would see was merely general, had contained, as it should have contained, if the House meant to tell the Court of Queen's Bench that it was its privilege, and that it was the law of England that it could arrest the Queen's subjects on a warrant in the following form, setting forth the form—that such was its power and privilege, this discussion might have been avoided; but the plea contained no such allegation. In reality there was no question of privilege whatever involved in the plea. It might be alleged that the Court was too scrupulous in observing the forms of pleading before them; but he must be permitted to observe, that certain technical rules of pleading were adopted by the Courts, by which rules the Courts were bound to interpret every plea which came before them; and, interpreting this plea by such rules, nothing was found in it to inform the Court that the privileges of the House of Commons to arrest under such a warrant as this was intended to be pleaded in the action. If the occasion should ever again arise where any one should be arrested under a warrant in this form—if the House should then mean to assert it to be its privilege to arrest, by warrant in this form, it must instruct those whose duty it may be to attend to the proceedings to see that its privilege be placed upon the record, when it would probably be found that the Court of Queen's Bench would give a very different judgment. Such a case was not the case in the present instance; and unless the Court of Queen's Bench were bound to decide that that House, or its Officers, might arrest any of the Queen's subjects, with or without cause at all, he knew not how they could have done otherwise than hold the warrant to be bad. And he might observe that he had heard with great regret the statement made in the course of the discussion, that the Queen's Bench had not only set itself up in conflict with the privileges of that House, but that it was always ready to administer the laws in a manner the least favourable to the liberties of the subject. Now, he felt confidence in denying humbly, but firmly, both these charges. In making the assertion that the Queen's Bench was ever ready to give effect to the privileges of that House, he would venture to remind the House, that, although its power of commitment had been questioned in the Court of Queen's Bench, on various occasions during nearly two centuries, although persons imprisoned by the House had been brought up on *habeas corpus*, complaining that they had been arrested under the warrants of the House, under warrants in all manner of forms, but containing sufficient to enable the Court to collect from them that the arrest was made by the authority of the House, yet in no case during that time had the Court, in a single instance even, discharged the party complaining, or done otherwise than give effect to the judgment and to the privileges of the House. Could it be said, then, when they found that, in innumerable cases, arising within the last two hundred years, whenever the undoubted privileges of the House came under the consideration of the Queen's Bench, the Court invariably gave effect to the privileges, and never denied them, when properly stated, according to the rules of law—could it be said that that Court was adverse to the privileges of that House? He might notice, as he passed, that, even in this very case, although he had incurred censure for so doing, he had ventured to suggest doubts as to whether the privilege now claimed existed; and that Lord Chief Justice Denman distinctly intimated his opinion that the House had the right, in sending for witnesses, to arrest them in a way in which no other court, except the House of Lords, had the power to do, and have them conveyed to its bar. The Lord Chief Justice unnecessarily stepped out of his way to intimate that opinion. With regard to the charge of the hon. and learned Member for Bath, that the Court of Queen's Bench had shown itself adverse to the liberty of the subject, though they did indeed owe to the wisdom and courage of their ancestors, and to the patriotic spirit of both Houses of Parliament, the law of *habeas corpus*, yet it was from the Court of Queen's Bench that it had received strength to become, as it was universally admitted, the greatest, the most valued, and the most powerful bulwark of the liberties of this country. He wished that the hon. and learned Member for Bath, instead of dealing in those vague sarcasms in which he chose to indulge against the Queen's Bench,

had condescended to state in what single instance, within the last 150 years, the judgment, or even a *dictum* of the Court of Queen's Bench, was adverse to the liberties of the people of England. The noble Lord the Member for London certainly did refer to one or two instances of corrupt and unjust Judges, which would, he was ready to admit, hardly bear inquiry; but, with those signal and rare exceptions, the Court of Queen's Bench had zealously defended and protected the liberty of the subject. Looking, then, upon this question in the form in which it really existed, as a question not involving the privileges of that House, but as a question as to whether the warrant under which the Officer had arrested one of the Queen's subjects was a good and valid warrant—the point for them to determine was, whether the adverse judgment of the Court of Queen's Bench should be submitted to the revision of a Court of Error? He would then offer no opinion as to whether the judgment was a sound and correct one or not. He admitted that it was enough for him, whatever might be his own opinion, that he found that one of the learned Judges, differing from the rest, had pronounced an opinion in favour of the Officer of the House, and that more than one hon. Member of that House entertained the same adverse opinion as regarded the judgment of the Court, and that he felt that this was a question in which the House took so deep an interest, to justify him in acquiescing in the Resolution of his hon. and learned Friend. That was the advice which would be given to a private individual in a matter of importance. If there was any reasonable doubt of the validity of the judgment, let it be taken to a Court of Error. He would not, therefore, oppose the course suggested; and he trusted and believed that, ultimately, justice would be done. He could not sit down without adverting briefly to the other course suggested and recommended by his hon. and learned Friend opposite (Sir Thomas Wilde), a course of resistance to the due course of law, an appeal to force, to the exercise of at least a doubted privilege, by resorting to commitments for contempt, not indeed in the present case, but in any other case which might thereafter come before the House, of attorneys, clerks, bailiffs, sheriffs, plaintiffs, counsel, and judges, until the privileges of the House were fully vindicated. It was by far too wide and large a field for discussion at present, whether that House, by the law, and by the Constitution, possessed the privilege which, in that respect, was claimed. He would not enter into that discussion just now; for if he did it would be an unprofitable one; and he would have to refer to precedents and authorities, some of which might be disputed, and others of which might have taken place and arisen in doubtful and bad times, when neither the law nor the Constitution prevailed in the proceedings of public bodies in this country. Instead of entering now into such a discussion, he would take the liberty of calmly and shortly calling the attention of the House to what, he apprehended, would be the necessary consequence of any such course being adopted. He felt it the more expedient to do so, as he now heard, for the first time, that three more actions were pending against the Officer of that House, in reference to which it was necessary to plead and defend these actions again, or at once to resort to force, as suggested. It seemed that, in one of these actions, the damages were laid at 100,000*l*. Let him invite the calm attention of the House to what would certainly be the inevitable consequence, if the mode of proceeding were adopted, which was contended for by those who entertained extreme opinions on this question. The first step would be, that the House would forbid its Officer to plead to the action. It would depend upon its own power and force to vindicate its own privileges. Such would be known to the public, and, of course, known also to the plaintiff; and, with especial reference to the action for the 100,000*l*., it would be known that the House would not plead. He entreated his hon. and learned Friend opposite to inform the House if he (Mr. FitzRoy Kelly) were incorrect in pointing out the following as the course which it would be easy for the plaintiff to adopt, and difficult, if not impossible, for the House to prevent. The course of matters would be this:—The plaintiff brought his action, and laid his damages at 100,000*l*., for some imprisonment, perhaps richly deserved on his part. If the action was pleaded to and defended, if he were proved to have deserved it, and he were properly arrested, he would fail in the action. But it was known that the House would not plead. The plaintiff proceeded with his action. The House might commit him if it chose. He would then bring another action. The House might then commit the attorneys, the coun-

sel, the judges, and others concerned in it, till it had stopped the administration of the law. In the meantime the action was being proceeded with behind the scenes, and was at length brought to judgment. The plaintiff would not execute the judgment, so long as the House was in Session; he would wait until the House was prorogued. He would then go before a jury. He would appeal to the jury, and as the House would not condescend to make the Attorney General appear, the plaintiff might, before the jury, state whatever he chose; he might make out a case of pretended grievances; he might make himself appear the most oppressed and injured of men; and no answer being given, he would be supposed to be a person against whom tyrannical powers had been exerted by the most powerful body in the realm, and he might obtain, say half the damages, claimed in his declaration. What was to prevent him, then, from levying the sum so awarded upon the goods and lands of the Officer of that House? What was then to prevent him from putting the money in his pocket, and setting the House at defiance? All this would be done in the recess. The House assembled again in January or February, and what would it do then? It would commit him again. He would afterwards go through the same form of action, and once more get his damages during the prorogation. When they once determined to resort to these commitments, they would find their privileges worse than useless, mischievous, dangerous, and unconstitutional; but, above all, privileges which they could never maintain. They had no weapons to fight with, no shield with which to cover themselves, no power of successfully and effectively contending thus with any subject, though he might be the most worthless of the realm. He, therefore, prayed the House not to enter into a discussion as to how far its inherent privileges extended. It might be their desire, as it was their privilege, so to act; but if they valued their reputation—if they valued the love, as well as the respect and admiration of their constituents, they would not enter into a contest in which the most worthless in the country might prevail over them, and in which they might be signally and discreditably defeated. Why enter into such a contest? Was there anything in the present state of society, anything in the present state of the Constitution, which rendered such a course necessary or expedient? Did they now find any difficulty, with the great increase of Committee business which had this year devolved upon the House, of procuring abundance of witnesses from the most remote parts of the kingdom? Take care to do as the right hon. Gentleman below him (Sir J. Graham) must do, if he were to issue his warrant in one or in one thousand instances—to make that warrant in something like the form recognised by law; and then, indeed, you may exercise your privileges, high, and extensive, and unlimited as they are, in the certainty that you will not be resisted by worthless and reckless persons; but that your power will be supported by all who value the laws and Constitution of the country. But if, with respect to the pending actions, they should feel disposed to determine upon the course of commitment, he prayed them to consider, looking to the description of the individuals and the class from which they spring up, how much they had to gain in this contest, and how little it was possible they should lose; how much they now possessed of the respect and the support of the people; with what great power they had invested them, and how much they had to risk, and might lose. Pause, then, he ventured humbly and earnestly to implore them, before they entered into the contest. He doubted not, if the time should ever arrive, when conspiracies against the State, or fear of foreign invasion, or any other great and terrible occasion, should demand the exercise of unusual powers; that, exercise what powers they might, this would receive the cordial support of the whole people of this country; but it was dangerous, in the ordinary transactions of mankind, in the administration of their functions in peaceable times, to put hypothetically extreme cases. His hon. and learned Friend opposite talked of foreign invasion, and asked whether, when they wished to arrest ten or twenty people, to stay some mighty mischief, Lord Denman would look into the form of their warrant. Why, no; he apprehended that if it were necessary, and if they made the arrest by the usual or constitutional form of warrant, they would only have to plead privilege against any one rash enough, or bad enough, to dispute it, and declare that it was their privilege so to act, and they would find that the Court would give effect to it, as it before had done. He must apologize for detaining the House so long; but he was desirous of stating that, if it were thought worth while to proceed further with this action, he should not op-

pose that course; but if, with respect to the other actions, or any similar proceedings, instead of resting upon privileges, which were a part of the law of England, the House sought, if not to violate the law, at least to enter into a contest with the law, it would not in his judgment, pursue a wise, moderate, constitutional course, such as he ventured to concur in recommending.

Sir *Thomas Wilde* was not, he said, at all surprised to find that his hon. and learned Friend who had just sat down should be willing to concur in the recommendation of the Committee, because he stood precisely in that situation in which it was to be expected that such an opinion would be entertained by him. He did not very well comprehend how his hon. and learned Friend could reconcile that part of his argument in which he maintained that the Court of Queen's Bench would, upon all occasions, decide in favour of their privileges wherein they exercised them in case of an extreme emergency, and yet would not do so in the present instance. He thought there was a variance in that part of the argument, and that the statements made in the one case and the other were not very consistent. His hon. and learned Friend had adverted to some remarks that had been made upon the fact of his having been counsel for one of these parties. His hon. and learned Friend asked, was that House to entrust to some of its Members to support its privileges, and were others not to contest against its privileges? He did not apprehend why it should not do so. He did not understand, if they were correct, and he thought they were, in maintaining the privileges of the people —those privileges which they had in trust —that they had received on that condition and under those circumstances, that the people had confided them to the House, and in which they had been given to them ever since the last election; and if the House were prepared to maintain itself in that state and condition in the Constitution, he said, that in that case, he could understand, when a Member of Parliament was elected for the purpose of maintaining the powers of the Commons of England, that it was not reasonable that a Member elected for the maintenance of these powers, should be found acting as the advocate against these very privileges. Yet that was the condition of his hon. and learned Friend. His hon. and learned Friend said he would pronounce no opinion upon the judgment of the Court of Queen's Bench; and why did he not? The House had a right to the opinion—the House had that right—the people had it—not one's own mere constituents; but, standing there in the condition of Members of Parliament, charged with the interests of the kingdom, when the interests and the privileges of Parliament were affected, had not the House, he asked, a right to that opinion—especially to the opinion of one possessing the talents and knowledge of the hon. and learned Member; and the right, too, to the benefit of his talents in maintaining the privileges of the House? Why, then, did his hon. and learned Friend shrink from giving his opinion as to the proceedings in the Court of Queen's Bench? For this reason —because he had acted as counsel, because he had so acted as counsel, because he had been an advocate against those privileges —because he had done so, he had disqualified himself from giving an opinion in that House. The House had been deprived of the benefit of the talents of his hon. and learned Friend; and further, it was impossible, on that account, for his hon. and learned Friend to give a fair and unbiassed opinion upon the course which the House ought to pursue. His hon. and learned Friend might have told them what was the better course—and he thought it would be easy for him to find a better than the present, and not easy to discover a worse than that which had been suggested. They were, he said, entitled to the opinion of his hon. and learned Friend, and that they should have that from him in the performance of his duty as a Member, rather than as that of counsel: for, eminent as were his talents, and important the services of his hon. and learned Friend as counsel to all who had the advantage of his advocacy, still in Westminster Hall there were to be found ample means of supplying his place without his withdrawing from them that legitimate means of support which they had a right to in the person of one of their own Members. Upon the subject of this Motion he now said it was most material for that House to consider the position in which it stood. His hon. and learned Friend had adverted to the long period of 150 years, during which the privileges of that House were maintained in a court of law. The pre-

sent position of that House was most remarkable. He thought he might say that all the learning and all the knowledge of the last 150 years, or nearly so, had steadily and invariably proceeded on this principle, that in the opinion of the Judges, that House was the sole judge of its own privileges. It was somewhat painful for him now to speak upon this subject; for he had already obtruded himself upon the attention of the House several times. The question was a very extensive one, and he found that many who had spoken upon the subject had not made themselves acquainted with all the circumstances which would enable them to form a correct judgment with respect to it. Statements had been made inconsistent with Parliamentary authority; and either a considerable time must be wasted in refuting them, or they must be allowed to pass apparently consented to, because uncontradicted. It was stated there was a judgment against the privileges of Parliament. It was admitted on all hands that there was a law of Parliament. The Judges of the land, as it had been correctly stated by the noble Lord—the Judges sat to declare what was the Common Law, and to state what was the Statute Law; but centuries had passed by, and the opinion expressed by those whose learning would never be surpassed was this—and numbers of Judges, one after another, had all declared it in the most emphatic terms—that Parliament alone was the sole judge of its privileges. He had taken the liberty of saying more than once, that it was impossible that any other tribunal could be the judge of them. The course recommended by the Committee was evidently one proposed with an ultimate view to legislation; and when he heard legislation suggested by hon. Members, for whose talents and judgment he entertained a sincere respect, whilst it made him distrust his own judgment, still he could not but venture to express the opinion that legislation was impossible. It had been said that the liberties of the country and the independence of Parliament depended on its privileges being undefined. Mr. Justice Coleridge, who had edited an edition of *Blackstone*, left that doctrine unimpeached. And so it had been left by the best text writers on English law. What did that mean? Was it that they were to be left some arbitrary power which they were to be at liberty to exercise, without reference to the duties they had to discharge? Certainly not. Who was to interfere, and say from what quarter resistance was to be justified to the functions of that House? Could they interpret it as necessary to the purposes of legislation, either as regarded a conspiracy against the State, or various other matters which affected the public peace, or for legislation on matters affecting foreign influence; or who was to define, who was to say, who was to foretell from what quarter resistance was to come. Why, opposition might come from the Crown, it might arise from the misconduct of Ministers, it might come from courts of justice, it might come from a private conspiracy. Who could tell? The House of Commons ought to have the power of resisting all arts that might be employed against it. How can any one provide for an unknown exigency? The House was to have power as the emergency might arise. To define its privileges was impossible, as impossible as to foresee the modes that might be suggested for resisting its authority. Their privileges were undefined; for this short reason, that they had certain functions to discharge. There was no tribunal or court in the kingdom which had not power to discharge those duties that the Constitution and the law imposed upon it. That House had certain duties to discharge, and its powers were whatever were necessary to the due discharge of its functions. What powers, then, would they be called upon to exercise? Who could state them? No one. Its privileges could be defined by Parliament in only one sense—what was necessary for the public service. Not one iota more. Their privileges were not always the same. Why? Because not all occasions were the same, and they had a right to exercise them, for no other reason but because it was for the public interest. When hon. Members referred to the abuses of these privileges, he asked them, what was the remedy? Was it the courts of law? No. Where did they find the remedy? In that House. The House of Lords had equally abused their privileges. Instance after instance might be given to prove that. Many cases of abuse had been stated. The remedy was in that House. If the Lords attempted abuses, the public safety would be found in that House. But putting the Lords to decide upon their privileges was a point which he put aside for the moment, but should refer to by and by. No doubt there had been occasional

abuses, but what did they desire to do? To subject that House to the courts of law. Was it because a remedy could be afforded by the courts of law? On the contrary, the remedy was to be found in that House alone. He said once for all, that these were miscalled privileges in one sense. The question they ought to bear in mind was, that they related to the Commons, for the benefit of the Commons of England, and to be exercised in the Commons' House of Parliament. The question was, what was their legislative power—in one word, what were these privileges, which were given to them for that object; for they were not to be associated with the individual benefit of Members, with which they had no relation. What, then, was their power in this respect? Here it arose out of the publishing of one of their Reports, and that connected with one of the most important subjects on which they could be engaged—the management of the gaols in England. What that House wanted to see and to know was, how it happened that punishment for a violation of the laws should be inflicted time after time upon the same individuals who were found coming back, and making themselves familiar with their gaols. They found that it was necessary for the public interest to see what amendments could be made in this law, to deter men from crime, and what punishments it might be wise to allot for that purpose. The Crown issued a Commission, and a Report was made to the House on the subject, and then, when, for the purpose of justifying their legislation, and particularly that of making their punishments more severe, the House gave publicity to that Report, the House, desiring to get information, and that leading, no doubt, to much information of great importance being communicated to the House, an action was brought. Was that an important privilege of Parliament—was it necessary, when it led to an Act of Parliament, which he supposed he might assume was passed on good authority—was it of importance that the House should have the power or privilege to issue that which was in the due discharge of its functions, and doing so it should be impeded by actions? A witness was desired to attend that House, and, in consequence of his refusal to do so, he was ordered to be taken into custody. What, then, did not that involve their privileges—their right to send persons to prison? This was not a question, such as had been stated, of an individual Member gratifying his private feelings. It was a subject of grave public importance. They sent to an individual, he avoided their summons; and now a question had arisen, and now they were met with the question, what right they had to capture the individual?—and in another way, in what form they could efficiently exercise their power? These were the questions for them to determine, and it was of importance to them that they should not impair their own powers of maintaining their Parliamentary authority; but they should preserve those powers as fully as they had been committed to their trust. His hon. and learned Friend (Mr. F. Kelly) told them they would be defeated—which would be very unfortunate. The powers that came to them at the last election, they should uphold in the same condition in which they had received them. That House had been able to maintain its privileges during the worst of times. They had received the powers of Parliament, and in that condition they had maintained successfully a contest with prerogative on many occasions. How was it that what had been so often found strong and effective, should, in their hands, become inefficient? How came it, that what was good and useful, until it came into their hands, should be now rendered useless, and they themselves covered with defeat and contempt? Did it not occur to them that this must be from the manner in which they had used it? Did it not occur to them that the power that they held would be returned to their constituents much impaired, and far different from the state in which they received it? When they entered the House, they did so to maintain it in its place in the Constitution. They were bound not to part with, not to trust their privileges to others; and he deeply regretted that hon. Members had taken such a view of this matter, as to consent to deliver their powers into the hands of others—that they should have left them to others' keeping—that they should have placed their powers and authority in the guardianship of others. To persist in doing so, would be to degrade that House, to deprive it of all just authority, and to lead to that which he thought would produce a state of revolution in the country. On a former occasion he had given the names and the authority of the Judges, who had declared, in the most unequivo-

cal manner, from the time of Henry VI.—when they had been asked respecting the privileges of Parliament, they stated that it was not their place to do so; that their privileges were only known to Parliament itself legitimately; and they declined to give an opinion. There was scarcely a great name among the lawyers of England who had not maintained that opinion. It was said that in some cases the courts of law might look into these privileges incidentally; but it was never held that they should interfere with them. What had happened in their own day? "Burdett and Abbott" began the series. That case arose out of a libel on the House, at a time when it stood in no very favourable position in public opinion. Sir Francis Burdett was committed, and brought his action, raising the question as to what course the House should take. The House, on the distinct understanding that by appearing and pleading they were not submitting their privileges to the consideration of a court of law, took that course, believing that the court would not inquire any further. That was the ground on which the House acted. The case was permitted to be argued, and Holroyd contended that the House did not possess the power of committal for libel in that form. The Court of King's Bench held that the House had the power to commit for contempt, and that no court of law could examine into the committal. Lord Ellenborough threw out this remark—that he would not say that a case of great outrage might not occur—a case against common sense, against all law and justice, in which the House might choose to act, and then the courts of law would do their duty. What the noble and learned Lord meant, when he supposed such a case, it was not easy to ascertain, or why, when laying down broadly that Parliament was the judge of its own privileges—why he should have introduced hypothetically that in some case against all law and all justice—in short, a case not very likely to occur—the courts of law would do their duty, and examine into it. He had assumed that supposed case was only an idle one; for if the House adopted a course against all law and all justice, and had committed a party, then its next step would have been to have committed Lord Ellenborough himself had he discharged him. This he assumed; for if the House began by committing one outrage, they would not have been shocked at committing another outrage to vindicate its proceedings. The supposition, however, of the noble and learned Lord was monstrous in itself. He repeated, there were some powers which were to be trusted to particular bodies without control. Where, for instance, had the Constitution placed the power of deciding on the privileges of Parliament? In Parliament itself? The House of Lords might decide that an estate was not freehold with respect to the heir. The heir had no remedy, for the House could decide as it pleased; and were they in jeopardy by reason of this power? Certainly not. To the question whether there was any power in the State to meet the exigencies which Parliament were called on to perform, Lord Ellenborough, in throwing out his remarks, gave a distinct judgment, that Parliament might commit. There was a decision in favour of the privileges of this House. And in bringing the writ of error, he begged to remind hon. Members that the House was never informed of this proceeding, and never gave permission to appear. The House consented to appear under the assurance that it was not submitting its privileges to the review of the law courts, and the House was not informed of any other proceeding. An appearance was entered, but without any authority on the part of the House. The terms, in the first instance, were certainly to defend the action, and it might possibly be that in those general terms it was conceived a permission existed to attend to the writ of error. His remarks, however, went to this, that the House passed no judgment on the propriety of bringing a writ of error. The case of "Burdett *v.* Abbott" was supposed to establish the authority of that House. But the event showed to the House the danger of trusting its privileges for discussion in any place except Parliament. After the case of "Burdett *v.* Abbott" came the case of "Stockdale *v.* Hansard." That led to the committal of the Sheriffs. When the Sheriffs were in custody, though the Court of King's Bench held that according to authority time out of mind, as the committal was generally for contempt, the Court could not discharge the Sheriffs, yet Lord Denman threw out a dictum—going even further than Lord Ellenborough—a dictum which stills remains on record; and

which, unless the House interfered, would, on some future day, be the foundation of a further question of its privileges. He believed, however, that the question would be raised before long, and then he anticipated a very different decision to that which had been given. How stood the question? Mr. Stockdale found a notice of himself in some Printed Papers of that House, and he called on a court of law to examine the privilege which the House claimed. Each of the Judges pronounced that the power of publication was in no respect necessary to the power of the House. One Judge went so far as to say, that the House ought to burn all their Papers at the end of each Session, lest there should be found in some of them a libel against some one. What was the effect of this? Why, that the old Parliamentary law, that which existed time out of mind, was denied and controverted. This was not all. The Legislature had declared, that certain privileges and powers were essential to the due discharge of their Parliamentary functions. Lord Denman, however, said he adhered to his judgment. Pray, was it a good specimen of the power and accuracy with which courts of law would be likely to decide on the privileges of Parliament, that in the very first instance in which these courts assumed this power they came to a conclusion decidedly opposite to what the Legislature had come to? They decided differently to that which an Act of Parliament declared was essential to the due discharge of the functions of Parliament. This judgment was unreserved, and unresisted. This judgment, which asserted the principle and power of investigating the privileges of that House, was now put on record. Mr. Howard did not attend at the command of that House. A warrant was granted, and an officer went to the house to make inquiry, and was led to expect that Mr. Howard would soon return. The officer waited in the House, with the consent of the inmates, and at twelve o'clock, when an objection was made to his longer stay, he went away. This, then, was the case of an officer of that House, armed with the authority of that House, waiting at a certain place to take a witness into custody, who had been guilty of contempt for not attending to the commands of that House. This led to an action at law. What was the effect of the decision in that case? The Queen's Bench decided that the attempt to take a witness on the warrant of that House was an illegal invasion of Mr. Howard's house. It had been said that the Habeas Corpus Act would be a nullity if this were allowed. But upon suspending the Habeas Corpus Act, must there not be previous inquiry? Before the Habeas Corpus Act could be suspended, there must be a most important preliminary inquiry. There must be the handing over of green bags; there must be a Secret Committee; inquiry must first be made in order to take proper steps against the mischief that was anticipated. But the Court of Queen's Bench said, that an officer of that House must not remain three or four hours in a man's house. Was the House to be told by a court of law how long their officer was only to wait to capture a man, and that this man very possibly a most important witness in this Secret Committee? Was the power of the House of Commons to be decided in the Court of Queen's Bench? What means could the Court of Queen's Bench have of knowing the necessity for the man's capture? Before the House acted in Secret Committee with the view of suspending the Habeas Corpus Act, was an appeal to be made to the Court of Queen's Bench; and when the Habeas Corpus Act was suspended, was the House to produce its document in the Court of Queen's Bench to justify its proceedings, or was the Court of Queen's Bench to be withdrawn from its proper duties—the administration of the laws, in order to entertain such cases? If something were not done, the Court of Queen's Bench, by and by, would be investigating the extent of the House's authority to enforce the attendance of witnesses. What has occurred? The House had taken a man under its warrant, and it had been told that this Parliamentary proceeding must be subjected to the review of a court of law, and judged by the technical rules which governed the proceedings of such courts, the requisite authority by which they could examine how far they could go in procuring the attendance of witnesses. How stood the forms of their proceedings as to how far they might go in the matter? Was there, he would ask, such a thing as Parliamentary usage? No man had more respect than he had for the Judges of the Court of Queen's Bench:—for Lord Denman he entertained

the greatest regard; for he believed him to be possessed of the highest qualities of the mind and heart; he believed that a more honourable man never existed; and there were few men who could be more honestly acquitted of seeking popularity by any course he might take than Lord Denman; for the other Judges he entertained an equally high respect; but he was perfectly astonished that opinions should be given by them so utterly inconsistent with the impressions he had always entertained of those learned personages—that he should hear it said the warrants of Parliament were subject to the technicalities of the law. He considered that this was utterly at variance with every constitutional right. There was nothing more clear, as was distinctly laid down by Burke, and every high authority upon the subject, than that the power and authority of Parliament in such actions were supreme; that they could dictate their own forms, and prescribe their own rules, although occasionally they were induced to ask the Judges of the land what were the rules of Common Law, for the purpose of applying them to Parliamentary proceedings. The laws of impeachment certainly regulated the laws of Parliament; but when they looked to the duties which the House had to discharge, and to the interests of the State which were involved, and which called for the instant exercise of their authority, should their warrant be compared to the forms of a justice's warrant? Had the Constitution given no guarantee for the abuse of this authority? Between the warrant of a justice of the peace and that issued by that House, there was no resemblance. That House was entrusted by the Constitution with enormous powers, and it was impossible that they could ever anticipate any abuse of it upon the part of the Crown. He was surprised to hear the authority of the Crown so much alluded to in this discussion. The Crown could do nothing. In order that the Crown might not be brought into collision with the people, the Constitution required it to act through the Minister—the Minister must act through his warrant. In one case only, when the King did exercise his authority of issuing his warrant, it was not recognised, because it was felt that by the law of the Constitution the King should act through his Minister, and that if he acted from himself it amounted to nothing short of revolution. No abuse was anticipated, either with regard to the Crown or to Parliament; but was that the case with the warrant of a justice of peace? Every subordinate authority was bound to show that it acted within the scope of its jurisdiction. The rules of the Common Law were in no respect applicable to Parliament; and upon this point he protested, with perfect respect, against the decision of Lord Denman and Mr. Justice Coleridge. The Courts had their rules of practice; the Queen's Bench and Common Pleas had their own forms and modes; and strange, indeed, would it be if the Houses of Lords and Commons were without them. In what condition would the House stand, if, to-morrow, an inquiry of an important nature were to arise? Could it commit? Would it have to send for advice to the Judges? If Mr. Justice Coleridge had drawn the warrant, he would have thought it good in respect to the absence of the parties; while Mr. Justice Wightman would have held it a bad warrant on that very account. Lord Denman would have drawn it one way, Mr. Justice Williams another. How, then, was the House to be safe? Not all the combined learning and talent of Westminster Hall could make it safe. Decisions continually deceived; safety was not to be found in them. The hon. Member for Oxford had said, "Prepare your form." God help the man who attempted to prepare it! Could all occasions be anticipated on which a warrant might be wanted? If the House were safe in the Queen's Bench, it would be unsafe in the Common Pleas, and if safe in the Queen's Bench and Common Pleas, it might be unsafe in the Exchequer. Did any man want a conclusive proof of danger of the kind, let him look at this case. On what ground was the warrant held bad? "Whereas the House of Commons has this day ordered that T. B. Howard be sent for in custody." Who had sent for him? — "This is therefore." What is therefore? — "To require you to take him?" What for?—"Because he is sent for, to take him into your custody." This was the direction of the Speaker to the Sergeant, and what more was wanted? If a man were ordered into custody, what was the general rule, but that he was to be kept in a convenient and proper place. It might be the house of the party; but the complaint of the party was, that he was taken through passages; "he was

taken through a certain passage, detained a certain time, and then taken through another passage and another passage." Would any man contend that it was lawful to take a man into custody, but unlawful to keep him in a convenient place? According to Mr. Justice Wightman, the prisoner could be taken nowhere. If so, what was to be done with him? He could not imagine what was in the minds of the Judges. Was there anything to show that Howard was taken to an inconvenient place? He had been sent for, immediately found upon the spot, kept a reasonable time, and then brought before the House. But the warrant was bad, forsooth, because they took him through passages! If it were wanted to throw contempt on a judicial decision, surely nothing more could be required. It showed how great interests might be sacrificed by little petty views. An action was brought and maintained, because the Speaker's warrant did not contain a certain thing required in a magistrate's warrant. Thus the House had not only the warning arising out of the warrant, but the warning arising out of the uncertainty of the judgment founded upon it. No two Judges agreed upon any one point: Lord Denman differed from Justice Coleridge—Coleridge from Wightman, and Williams from all three. If so much time and care were necessary in the preparation of a warrant, what was to become of the party? The Judges took six months to decide whether a warrant was intelligible, which every old woman in the parish could clearly understand. Could any man assert that there was any substantial defect in it? Look, then, at the condition of the House: when would it awake? The extent of its power in issuing the warrant had been reviewed—the form of its warrant had been reviewed: how then could it venture to exercise the power of commitment if this were to be the law? Some talked of waiting for an occasion of emergency; a most extraordinary doctrine. Who ever heard that the House was to wait for a decision on the extent of its power until it was called upon to act in spite of the decision? Was it to wait until the public safety was sacrificed, or to pause in the exercise of its privileges until a judgment had been pronounced against them? It would never be in a better condition to decide such a question than now. The Solicitor General had said that the privileges of the House were not in question on the present occasion. He (Sir T. Wilde) was as much surprised at that statement as at the other. The Speaker was the organ of the House of Commons—the officer through whom it acted, and if the form of his warrant were to be decided upon by the Queen's Bench, was it no point of privilege? How could his hon. and learned Friend make such a statement? The question was vital as regarded privilege. The House was told that its warrant was bad, because a justice's would be bad if similarly worded, and yet it was no question in which privileges were involved. They were essentially involved, and he entreated hon. Members not to be deceived upon this point. If so, what was the condition of the House? It had had a decision against its privileges, and was in a difficulty how to act. What had brought it to this difficulty? Its own vacillation, because it had not possessed sufficient firmness to exercise its constitutional powers, and which if it did not exercise, the public safety was abandoned. Why did it discharge the Sheriffs? It was told that its powers would be defeated; powers which its predecessors had found sufficient, in its hands were useless. Had it tried them fairly? Why did it permit the Sheriffs to insult it? When they were at the bar they had called him to them, and he had advised them not to act unless they were determined upon their course. They said, they were determined; and while he went to the Table to draw their petition, a right hon. Gentleman walked down to the bar, and advised them not to present it. What was done? The House permitted the Sheriffs to insult it—to hold levees in the lobby—to receive advice and complaints, and then, because they were a little stiffnecked, they were discharged. How had the House used its means of defence? It had injured the authority of the House by having legislated—it had brought it into jeopardy by fearing to exercise an admitted power. It had been said, that the House ought to wait for public opinion. It was the duty of the House to lead public opinion. Had it shown that it considered its privileges important to the public safety? No. How, then, could any man wonder that the public doubted, when the House itself played so pusillanimous a part? What man would maintain the authority of the House, when the House was the first to abandon it?

His noble Friend (Lord J. Russell) shrunk from the difficulty; the right hon. Baronet shrunk from it also, although it was a question which might be said to involve the destruction of the Constitution. He maintained that the House ought not to suffer the evil to accumulate until it brought the very safety of the State into danger, when it possessed legitimate powers, found sufficient at other times, although now some persons were afraid of relying upon them. The whole of this difficulty had arisen from the discharge of the Sheriffs. They had levied money, knowing that it was inconsistent with the Orders of the House. The House had not tried its legitimate powers: it was resorting to all sorts of shifts and devices instead; and what was it now doing? The general body of Members had great and just reason to complain. His hon. and learned Friend, now unhappily absent, and the present Chief Baron, had distinctly assured the House, that, by appearing and pleading, it in no respect would commit its privileges; and what was the result, but that its privileges had been committed? It was monstrous to see such doctrines prevail with one body of Members opposed to the other, when all ought to combine in asserting the privileges of the House, for its own honour and the interests of the State. This was not a personal matter, but a great trust, the proper discharge of which was essential to the public welfare. Was it not too much for the House to be told at one moment that its privileges would not be committed, and at another, that they had been so far committed that the only course was to proceed and commit them still further? The step the House formerly took was wrong, because it abused in the manner in which it had been abused. His hon. and learned Friend said, that by pleading they acknowledged the authority, and must abide by the judgment of the Court. But suppose a ship were taken as a prize of war. That would be a case for the Admiralty Court, for the Courts of Common Law had no jurisdiction. Then suppose the Court of Admiralty confirmed the seizure, and an action for trespass was brought for seizing the ship, would any one contend that the Court of Law had legitimate power to examine whether or not the Court of Admiralty was right in its judgment? And so in cases of marriage and divorce, could the Courts of Common Law inquire into the judgment of the Consistorial Courts? Certainly not; and yet that House was asked to give them the power of deciding upon Parliamentary law, and the law of every other Court having exclusive jurisdiction. He had always thought it a most erroneous course to appear and plead to the action. He had always objected to giving the Courts of Law jurisdiction to decide their privileges. But, then, supposing they had done wrong, were they, as trustees of these important interests for the public good, bound to continue to do wrong for the sake of consistency? Were they to put the privileges of that House in peril, because they had been once advised to take an erroneous step? Would it not be far better to state at once that they had done wrong; that their intention in appearing and pleading had been misunderstood; that it had led to the Court's deciding against the privileges of that House; but as the course taken by the House had led to misapprehension, it was not their intention to exercise their authority in this case against those who had been engaged in the action? You might also do this — you might rescind your order to the Attorney General to appear and defend the action; and you might resolve that the further prosecution of this action would be an infringement of the privileges of the House; and you might direct a copy of that Resolution to be served on the parties. He did not believe that the House would be induced to take harsh measures as to the action which had arrived at judgment; they might leave the party in possession of the fiat of judgment, provided they were prepared to exercise their authority; but he would say, do not adopt any such Resolution except you have well considered it — and are prepared to abide by the consequences. You have resolved that to call in question the privileges of the House rendered the party amenable to punishment. What should you now do? That which appeared to him the least dangerous course was that which he had ventured to suggest. He should be disposed, from a conviction of its necessity, certainly to act upon strong measures; but he knew it would be idle to suggest any course of that sort. A writ of error was recommended; but he saw nothing in the case to warrant a writ of error. The right hon. Baronet said on a former occasion, and he certainly coincided with him—

"Neither can I advise the House to appeal from the judgment of the Queen's Bench to the Exchequer Chamber, or to the other House of Parliament, for by so doing you further recognise a breach of privilege."

Upon another occasion, the right hon. Baronet had said—

"Suppose we had persevered in pleading, and had carried the case in error before the fifteen Judges, and they had decided against us, we should have manifested no desire to vindicate our privileges."

How, then, did the House show its desire to vindicate its privileges now? It had got into danger, and it sought a road to safety. The right hon. Baronet proceeded—

"Our next step would be to carry the question before the House of Lords, and if they decide against us how many more of our privileges might not be endangered by their decision!"

Thus it appeared the right hon. Baronet was right in his views in the beginning, though wrong in his recommendation in the conclusion. What would be the effect of bringing a writ of error? It seemed to him (Sir T. Wilde) that the House would lose a great deal by it. It had appeared and pleaded in the Queen's Bench under the fond assurance that it thereby gave no consent to the exercise of a jurisdiction over its privileges; but if it went to the Court of Error, what did it do but ask eight other Judges to decide the very point it had supposed the Queen's Bench would not entertain? It maintained that the Queen's Bench had no right to determine the matter, and yet it called upon the Court of Error to decide the very same question which it declared it never meant to submit to the Queen's Bench. The House only made a mistake then; but it was going to do wrong by design now. Suppose the judgment of the Queen's Bench were affirmed, would the public opinion be more in favour of the privilege claimed, because the additional weight of the remaining Judges was thrown into the opposite scale? His noble Friend (Lord J. Russell) would not consider at present what was to be done hereafter; but it was certain that the judgment must either be affirmed or reversed, and if it were affirmed, the House recognised the authority of the other Judges in determining a point on which it had denied the competence of the Queen's Bench. The Judges ought not to be trusted with such a question. If the judgment were affirmed by the Court of Error, what would be the next step? The House of Commons must go to the House of Lords; and the history of Parliament showed the danger of allowing one House to interfere with the privileges of the other. In Skinner's well-known case, the House of Lords had endeavoured to establish an original jurisdiction, and it had led to a conflict between the two Houses. This conflict might be renewed on the question of privilege. The proper mode of discussing questions of excess of privilege between the two Houses was by remonstrance and conference; but if the House of Commons, by an injudicious submission to the House of Lords, were to become subordinate, what then would become of the protection of the public? If the House of Commons abused its powers, it might be checked by dissolution; but the House of Lords was not a body brought together with a diversity of opinion; all their sympathies were preserved entire, and they met again with the same union of purpose. But not so the House of Commons. His hon. and learned Friend had said, would not the Court of Queen's Bench discharge upon a warrant of the House of Lords? With great respect, he (Sir T. Wilde) answered, No. At present the Court of Queen's Bench said, that a commitment by either House, without stating the cause, they could not relieve from. But when the Bench had ascertained the extent to which the House would submit, they would become more enlightened. But now with respect to the House of Lords—a writ of error would be sent from the Court of Queen's Bench to the House of Lords. Where then would the privileges of the Commons rest? In the House of Lords. The House of Commons would be handed over from the Queen's Bench to the House of Lords. Was that reasonable? The House of Lords, it was true, exercised the judicial power, but in what character? Not as the House of Lords, but as Parliament. When the two Houses separated, each of them retained certain functions; the House of Lords retained the judicial, but in theory the House of Commons were present—in theory they were parties to the judgment of the House of Lords as the judgment of Parliament. And now with respect to the privileges of the House of Commons being subject to the ultimate jurisdiction of the House of Lords, would not any man who searched the Journals of the Lords find

there abuses of privileges as gross as any which had subsisted in those of the House of Commons? And yet the House of Commons were willing to submit the determination of their privileges to the House of Lords. But, surely, it was not right that one House should be so subjected to the other. Surely no man who knew the theory of the Constitution, and valued it in its present state, would think of bringing a writ of error to vindicate the privileges of the Commons in the House of Lords. Whether that was proposed to be done he knew not; but to use an old expression, in the name of safety he would declare that that was what ought not to be done. What was the principle that would be established? The destruction of their privileges, the destruction of their independence. They would have formed a precedent of the most mischievous kind. If the judgment were reversed, what would be the effect? There it would stand, that upon the Court of Queen's Bench having decided against their privileges, they (the House of Commons) applied to another court of law, which had decided with them. But then the judgment might be reversed; not upon the ground that the Court of Queen's Bench had done wrong in inquiring into the warrant, but that the warrant was a good warrant, even if it had been issued by a magistrate. And he strongly suspected that if the judgment were reversed at all, that that might be the ground of reversal. For if the Judges could possibly ride off upon that view of the question, nothing would be more likely than that they would so elude pronouncing upon the more delicate and difficult point involving the privileges of that House, from a dislike to deal with it. But one thing was certain, that House would never get out of the Exchequer Chamber without some of the Judges throwing out opinions adverse to privilege, and thus the House would incur damage by the proceeding. He had before taken the liberty of warning the House, and now, at the hazard of great responsibility, he told them that when they went back from the Exchequer Chamber, it would be only to regret that they had ever gone there. The House had taken one wrong step, but no man ever heard that that was the reason for making a second. The whole sense and tenor of the Report made against this course, although the Committee had recommended it. Let any hon. Member carefully read that Report—he would not at that hour detain them by reading passages in confirmation; but let any hon. Member read the Report, and he would be convinced that the conclusion to be drawn from it must be against the writ of error, although that was the step which the Committee had advised. But the House would take this course, because, as was said, by and by, when mischief enough had been done, they would legislate upon it. Suppose now the judgment affirmed in the Exchequer Chamber. It would then stand, having the force of law. If, then, the Commons went to the House of Lords, and asked them to legislate, then a course of error, of legal proceedings, would have been begun; and the House of Commons would be asked why they did not bring a writ of error into the House of Lords; for having done so before the Judges, they should have done so before the Judges in the last resort. That would be a most mischievous course, in which his hon. and learned Friend would concur as readily as he had done to the writ of error before the Exchequer Chamber. But did they propose by the writ of error to reverse the judgment, to decide that it was all wrong, and that the Judges had decided wrong in law? What was their ground for supposing that the House of Lords would concur with them in that view. Was public opinion so much against the House of Commons, that they could not now exercise their own powers, but that they must go and ask for an Act of Parliament to reverse the opinions of the Judges? Then suppose the judgment affirmed; if they proceeded to reverse that judgment, upon what grounds did they propose to do it? What would they then propose to do? Simply to reverse the judgment? That would not be sufficient. Would they propose a declaratory Act? If so, what did they mean to declare? They said that public opinion was against them, on the ground of their possessing undefined privileges. Did they then propose an Act, declaring and defining those privileges? Could any man doubt the absolute impossibility of framing any Bill which should have the effect of giving, by positive enactment, to that House all those privileges which were necessary to them for the due exercise of their legislative functions? They could do so by no general enactment, and he defied them to

effect it by particular enactment. The House could not then declare that it possessed those privileges. The first difficulty would be in the House of Lords; for was the House of Commons prepared to submit their declaration of privileges to the judgment and decision of the House of Lords? But, whatever Act was passed, on this the House might rely, that from the moment it became law the House of Commons would be handed over to the courts, for to the courts of law was given the undeniable power of construing Acts of Parliament. Looking at the judicial criticism which the Speaker's warrant had undergone, the criticism upon a clause in an Act of Parliament might easily be imagined. So long, then, as the privileges of the House rested upon a Statute, the Judges would have the power to construe that Statute. Therefore, he said, do not legislate, nor take any step now in the idea that safety could be found in future legislation. He did lament the course the House was taking, because if they had committed an error, yet if they were prepared to do their duty by the public, and not add to the injury that had already been sustained, they could stop here. It was open to them to review their error, if it were one, or if there were no error they might view their conduct as having been misunderstood; and although in that case they might omit to punish what had been done under the influence of that misunderstanding, or had been caused by the conduct they had pursued, they might still do right for the future, and effectually protect the interests of the public which had been committed to their charge. If they did not do this, the last Parliament had sat which had preserved intact the constitutional rights and privileges they had received from their ancestors. He lamented that the right hon. Baronet opposite should be associated with the dissolution of Parliamentary privileges; but more than all did he lament that the name of Russell should be connected with it, bound up as that name was with some of the greatest passages in English history, and associated with the defence of constitutional liberty. Deeply did he regret his want of power to convince his noble Friend, with all his profound learning in the history of his country, and his deep knowledge of its Constitution, of the impropriety of the course that was about to be adopted; for he must lament that the name of the noble Lord should be found associated with what he could not but regard as a vital stab to the constitution of Parliament. He did not think the public were so much against the House as had been stated. All, however, he could say was—this was the case of the Commons of England. This was the moment for the Commons to maintain their place in the Constitution; it was not a contest for the benefit of Members of the House; it was a contest for the Constitution, or for that portion of it formed by the House of Commons. He therefore implored them, great as the authorities were that were opposed to the view he had taken, to pause before they adopted the course that had been recommended to them. He hoped the right hon. Baronet would disavow that course if he was satisfied it was wrong, and that he would not persevere in a procedure so detrimental to the public interests, and so derogatory to the dignity and character of Parliament.

Sir *R. Peel* said, that in the course of his speech the hon. and learned Gentleman had given a solemn exhortation to the House, that they should adopt no step of their own inherent authority for the vindication of their own privileges, unless they first carefully considered all the consequences of the first step, and unless they were determined steadily and perseveringly to go through with that determination. It was because he agreed with the hon. and learned Gentleman—because he thought it of the utmost importance that, if the House chose to take a step upon its own authority to vindicate its own privileges, he came to the conclusion that every other course should be adopted before he would call upon the House to vindicate its privileges by its own authority. He looked at the constitution of that House, and he saw a popular assembly divided on this question, men of high authority disposed to support the authority of the courts of law—he saw the probability that the proposal to act by their own authority would meet with great opposition—he looked back at the course which the House had pursued, and he saw the noble Lord, who was prepared to vindicate the privileges of the House engaged in a similar contest, and he had assisted the noble Lord, the leader of a party, in the course which had been taken, by which the Sheriffs were committed. He remembered the determination of that contest, and the release of the Sheriffs, and all he then wit-

nessed, confirmed him in the conclusion, that it was most important that their resolution to support their own privileges should be almost an unanimous one, and having entered on that course, they should resolve steadily to persevere. Now, he confessed he had not that confidence in the resolution and consistency of the House of Commons—of that popular assembly—which would induce him lightly to advise them to commence this course, and to be himself responsible for all the consequences. And it was because he believed there was another course which they could pursue, without the abandonment of their privileges, or depriving themselves of their authority, that he was a party to that Report, and was prepared to support it. It was perfectly open to them within the last three weeks to come to the resolution of vindicating their own privileges—it was open to them to hold the doctrine that they had consented to defend the Serjeant-at-Arms because they wished the Court of Queen's Bench to be aware that he had acted by their authority. And he was surprised that the hon. and learned Gentleman, with the opinions which he now entertained, voted for an adjournment of that debate over the day on which the Serjeant-at-Arms was called upon to pay the damages which had been assessed against him. If they merely pleaded their order, the Court of Queen's Bench must be aware that the Serjeant-at-Arms acted by their authority, and was it not competent for them to say, "the Court of Queen's Bench having refused to recognise our authority, we will now refuse to pay the damages?" He gave distinct notice to the House, that if they permitted that debate to be adjourned, that in the interval the jury would assess the damages, which would have to be paid, and then was the time when they ought to have given notice to the subordinate authorities of the court of law, that if they proceeded to levy the damages, they would be guilty of a breach of privilege. When they wished the debate to be adjourned, he was determined that they should not be ignorant of the probable consequences. The money had now been paid, and he presumed they would not permit the parties who had levied the execution to be dealt with as having committed a breach of privilege. The hon. Member for Montrose thought it was open to them to take that course; but he (Sir Robert Peel) thought that the House of Commons having consented to an adjournment, and the Treasury having paid the money, it would be a very improper and inconsistent proceeding to punish the officers, who, under the authority of a court of law, had levied the execution. It would be more consistent with their dignity to commit the Treasury who had paid the money; and it was that which he wished the hon. and learned Gentleman to consider the next time he approached this contest. They must not deal with subordinates. Would the hon. Member commit the parties who really infringed on their privileges—the Judges who presided? He might depend upon it, that the House, when it did again enter on the contest, would not feel that it was properly vindicating its privileges by dealing with subordinate officers only. The hon. and learned Gentleman had referred to the Resolutions entered into by that House in 1837. He remembered them well. They were moved by Lord Campbell, then Attorney General, and they resolved that any party who brought an action against an officer of the House was guilty of a breach of privilege. There was no man more determined to support their privileges than Lord Campbell; but he came to the conclusion which the Committee did in the case of Burdett and Abbott, that, notwithstanding all those loud declarations as to the support of their privileges, yet, after an action was instituted, there was no alternative but to follow the same course as the Committee recommended, and plead to the action. And, therefore, actuated by the same motives as that noble Lord, he never would advise the House to enter upon that contest, until he foresaw that there was so deep a conviction of their privileges being endangered, that it was probable there would be nearly an unanimous opinion in favour of their being upheld. The hon. and learned Gentleman said they ought to lead and influence public opinion; but they could not do so, if they found a powerful minority denying their privileges, and aiding the courts of law in their assault upon them. These were practical matters, and it was not sufficient for him, with a majority of eight or ten, to undertake such questions. The House and the country must be persuaded that the time had come when every other measure was exhausted, and that only would be the period when they could hope with success to vindicate their privileges. But there must be no sympathy expressed with those

who violated their privileges; there must be such a conviction of their duty towards the Commons of this country that the people would feel that there was no alternative but that the House should act for themselves and assert their own authority. Much of the speech of the hon. and learned Gentleman appeared to tell in favour of an appeal to a Court of Law. Would he allow the House to leave the judgment of the Court of Queen's Bench untouched? The hon. and learned Gentleman said, that Mr. Justice Wightman delivered a certain opinion; that Mr. Justice Coleridge entirely destroyed the authority of Mr. Justice Wightman's opinion; and that Lord Denman entirely destroyed the authority of Mr. Justice Coleridge's opinion. If that were so, it appeared to be a very strong reason for not permitting the judgment to remain entirely unquestioned. It appeared to afford to him ground for hope that an application to other Judges would lead to a reversal of the opinions of the Judges of the Court of Queen's Bench. The only way to question their judgment was to go before a Court of Error with merely the same plea with which they went before the Court of Queen's Bench, which, according to the hon. and learned Gentleman, was no recognition of their jurisdiction. It was merely a statement of a fact: — "This was done by our authority, and we deny the competency of a court of law to deal with it." When they stated that to a Court of Error, why did they make a greater concession than when they went to the Queen's Bench? especially when the hon. and learned Gentleman told them that it was no concession of jurisdiction whatever. With respect to the importance of their privileges, he agreed with the hon. and learned Gentleman that they were essential to the proper exercise of their duties. He claimed for the House of Commons the power of committal without the assignment of any reason. He thought that what the noble Lord said was true, that in cases, not of such extreme necessity as that which had been pointed out by the hon. and learned Gentleman, the power might be exercised. It would be a sufficient reason for having recourse to it, that some public officer or private individual might be about to depart from this country to give information to some other power; he thought in such a case the House of Commons had a right without a warrant—even without a warrant—to apprehend that individual, and detain him as long as they thought fit. He thought that was a power, considering their position in the State, which was necessarily inherent in the House of Commons; and to question a power of that nature was to question privileges without which their power of rendering service to the country would be altogether impossible. He could not reconcile the doctrines recently laid down by the Judges of the Queen's Bench with those pronounced by the highest Judges in the best periods of our history. The hon. and learned Gentleman said, that for 150 years the Courts had not denied the power of the House of Commons to commit for contempt. He was not at all satisfied with that. To limit by such a restriction their power would, in his opinion, be fatal to the proper exercise of their functions. He claimed for the House the right to commit both for contempt, and where there was no allegation of contempt; and he thought he could prove by the decisions of the highest judicial authorities, that the House of Commons did possess the power so to commit, independently of the power of committing for contempt. When it was said if the House had such a power there was an end of Magna Charta, that very allegation was made to the Judges in former periods, and scouted, as no reason for interfering with the power of the House of Commons. In the King *v.* Patey, Mr. Justice Gould said—

"If this return were the commitment of an inferior court, it had been nought, because it did not set out a sufficient cause of committal: but this return being of a commitment by the House of Commons, which is superior to this court, it is not reversible for mere form."

Was there ever a more express admission that the House differed from an inferior court, than by this sanction of its warrant, which would have been reversible if issued by an inferior court? Mr. Justice Powis said—

"It is objected that by Magna Charta no man can be taken or imprisoned except by the law of the land."

And it was then said, as now, let the House obey the law of the land, and it is safe. But what said the Judge—

"The *lex terræ* is not merely the Common Law, but is composed of the Canon and the Civil Law, &c., and among the rest of the *Lex Parliamenti.*"

Mr. Justice Powell said—

"The prisoners were committed by another law, and therefore, can't be discharged by the law according to which they were not committed."

A distinct admission that the law of Parliament was a distinct branch of the law, and not merged in the Common and Statute law. Throughout this discussion, too there was an universal admission that Parliament was the only judge of its own privileges. But he came to later times, and to the opinion of a Judge of higher eminence than even those he had quoted, who had no leaning towards the House of Commons, and who did honour to the very court whose judgment they now disputed. Chief Justice Tenterden said—

"It has been settled by many precedents brought forward at different periods in the Courts of Westminster, and finally in Burdett *v.* Abbott, which went on writ of error to the Exchequer Chamber, and ultimately to the House of Lords, that it was competent to the House to commit for a contempt of its privileges; and they are the judges and the only judges of that contempt."

Now on the first reading of that it would appear that Chief Justice Tenterden merely conceded a power of committal for contempt. But he went on to say—

"In a great many cases of Shaftesbury, Patey, &c., there is decisive authority to show that the courts cannot judge of the law, custom and usage of Parliament, and consequently cannot discharge a person committed by Parliament for contempt."

He thus deduced the inability to discharge for contempt, not from anything peculiar to contempt, but because the courts had no authority over the "law, custom, and usage of Parliament." How his authority must be condemned by those who would set aside our committal for informality; for he says—

"We cannot inquire into the force of the commitment, even supposing it to be open to the objection of informality."

Again, here was the opinion of another Judge, not so high as a legal authority, but held in universal estimation — he meant Mr. Justice Blackstone. That Judge said—

"We can't inquire into the particular words of the warrant, or into the circumstances of the execution. It is our duty to presume these were the orders of the House, and that they were carried into execution according to law."

Now, he must say, that so far from thinking the House likely to err on the side of an abuse of privilege, his experience led him to think that their leaning would be to too great forbearance. Looking at the judicial decision of the Court of Queen's Bench, if he merely saw there the authority of the court opposed to that of the House, he should have a less confident hope that it would be reversed by the deliberate decision of a Court of Error, than when it was supported, as that judgment must be admitted to be, by reasons inconsistent with each other, and at variance with the highest judicial authorities of former, and even of recent times. After having given the case the best consideration he could — after having discharged the not very agreeable duty of serving on the Select Committee of Privileges, he was inclined to think it would be prudent to make an appeal to another tribunal. He dreaded the consequence of allowing that judgment to remain undisturbed. He spoke not of the technical judgment of Mr. Justice Wightman; but he saw in the other doctrines advanced as to the rights and privileges of that House, which he would like to see fairly questioned in a higher tribunal. His chief ground for advising that course was, that until they satisfied the House and the public that they had left no means untried of vindicating their privileges, they could not succeed in any more strong measures for the purpose. He would not anticipate what their course should be if the decision of the Court of Error was unfavourable. He did not feel they were thus making any undue concessions. The hon. and learned Gentleman said, the Parliament of 1841 met with the full possession of its privileges, and we have not been able to maintain them. He could not see the Parliament of 1841 was more faulty than its predecessors. In Burdett and Abbott the Committee of that Parliament advised the House to plead. In 1837, another Parliament consented to plead. He believed the Attorney General of that day did not do so without mature consideration of all the difficulties of any other course. He (Sir R. Peel) consented with the utmost reluctance to that first step. In Howard *v.* Gossett, it was thought necessary to plead on account of excess of damages. The hon. and learned Gentleman was Solicitor General, and consented to that course. [Sir *T. Wilde* was understood to say no.] After the experience of Stockdale and Hansard, Lord Campbell

advised that course. Therefore, the acquiescence, if it be such, in the jurisdiction of the court is not chargeable on this House alone. No one held more strongly than he did, that the House had these privileges, that they were essential to the performance of its duty, that by the law and Constitution of the country it was intended the House should have the power of vindicating its own authority; but, at the same time, the presumption was, that the courts would sometimes interfere. Don't let them forget the power of committal was limited to the Session, and there was nothing to prevent an action from being commenced, and brought to a close during the recess. When the Sheriffs were committed, that did not prevent the payment of the money. The Sheriffs might be again committed; but other officers would supply their place, and when once the contest was entered on, there would be an abundant supply of martyrs. And, after all, imprisonment was their only resource — they had no power to fine. Would they limit their imprisonment to inferior offices? It was impossible to deny that public sympathy was on the side of officers placed in the painful situation of having to contend with two authorities. If there were any other course open to them by which they could set aside that judgment, which he believed to be inconsistent with reason, and he would add, with all deference to the learned Judges who had given it, inconsistent with the admissions of other courts of law; he for one was prepared—not denying the embarrassment attending the course which the Committee recommended—to desist from every other measure to which he could have resort without compromising the authority of that House, before he would appeal to that last and extreme measure which must be necessary for the vindication of their privileges, but the necessity of which, he trusted, might still be averted by the course which he now recommended to be taken.

The House divided:—Ayes 82; Noes 48: Majority 34.

List of the AYES.

Acland, Sir T. D.	Bernal, R.
Bailey, J.	Bodkin, W. H.
Baillie, Col.	Boldero, H. G.
Baldwin, B.	Bowles, Adm.
Barkly, H.	Boyd, J.
Baring, rt. hon. F. T.	Bruce, Lord E.
Baring, rt. hon. W. B.	Cardwell, E.
Bentinck, Lord G.	Carew, W. H. P.
Christie, W. D.	Jervis, J.
Christopher, R. A.	Jocelyn, Visct.
Clayton, R. R.	Legh, G. C.
Clerk, rt. hon. Sir G.	Leveson, Lord
Clive, hon. R. H.	Lincoln, Earl of
Cockburn, rt. hn. Sir G.	Lockhart, W.
Corry, right hon. H.	Lowther, Sir, J. H.
Cripps, W.	Mackenzie, W. F.
Damer, hon. Col.	McNeill, D.
Denison, E. B.	Masterman, J.
Douglas, Sir C. E.	Meynell, Capt.
Drummond, H. H.	Nicholl, rt. hon. J.
Duncombe, hon. A.	Packe, C. W.
Dundas, D.	Palmerston, Visct.
Escott, B.	Peel, rt. hon. Sir R.
Ferguson, Sir R. A.	Peel, J.
Fitzroy, hon. H.	Pringle, A.
Flower, Sir J.	Rice, E. R.
Fremantle, rt. hn. Sir T.	Russell, Lord J.
Fuller, A. E.	Smith, rt. hn. T. B. C.
Gaskell, J. Milnes	Smollett, A.
Gladstone, Capt.	Spooner, R.
Godson, R.	Stuart, W. V.
Gordon, hon. Capt.	Sutton, hon. H. M.
Goulburn, rt. hon. H.	Tennent, J. E.
Graham, rt. hn. Sir J.	Thesiger, Sir F.
Grey, rt. hon. Sir G.	Trench, Sir F. W.
Hamilton, W. J.	Vesey, hon. T.
Herbert, rt. hon. S.	Wellesley, Lord C.
Hope, G. W.	Wortley, hon. J. S.
Howard, hon. C. W. G.	Wortley, hon. J. S.
Hughes, W. B.	
Ingestre, Visct.	TELLERS.
James, Sir W. C.	Lennox, Lord A.
Jermyn, Earl	Baring, H.

List of the NOES.

Blackstone, W. S.	Hindley, C.
Blake, M. J.	Howick, Visct.
Bowes, J.	Inglis, Sir R. H.
Bowring, Dr.	Mahon, Visct.
Brotherton, J.	Mangles, R. D.
Buller, C.	Marjoribanks, S.
Busfeild, W.	Marshall, W.
Cavendish, hn. G. H.	Marsland, H.
Clements, Visct.	Morris, D.
Collett, J.	Muntz, G. F.
Colvile, C. R.	Murphy, F. S.
Dashwood, G. H.	Ogle, S. C. H.
Deedes, W.	Paget, Col.
Dickinson, F. H.	Plumptre, J. P.
Duncan, G.	Rawdon, Col.
Dundas, Adm.	Stansfield, W. R. C.
East, J. B.	Stewart, P. M.
Easthope, Sir G.	Strutt, E.
Ebrington, Visct.	Tancred, H. W.
Evans, W.	Trelawny, J. S.
Forster, M.	Warburton, H.
Gibson, T. M.	Wawn, J. T.
Hawes, B.	TELLERS.
Henley, J. W.	Wilde, Sir T.
Hill, Lord M.	Roebuck, J. A.

Resolution agreed to.

KENTISH RAILWAYS—THE BOARD OF ORDNANCE.] Mr. *Hawes* said, that he rose

to present a petition which had been put into his hands since nine o'clock: if it had not involved some serious charges against certain public officers, he should not have presented it to the House at that hour. It was from the South Eastern Railway Company, and stated that they had prepared a Bill to pass through Woolwich Common, as an extension of a portion of its line, which had been thrown out by the Standing Order Committee, but which was now before the Committee on Railway Bills under Group A, as a project for a railway. The opposing line was the London, Chatham, and North Kent Railway. When the former company proposed to carry their line across Woolwich Common, it was met with an entire objection from the Board of Ordnance. The nature of that objection was stated in a letter which was introduced in the petition. The petitioners then went on to state that they had reason to believe that influence had been used in favour of the Chatham and North Kent line, by the Solicitor to the Board of Ordnance; and in proof of this they had that morning laid before the Committee on Railways, Group A, a letter which had been received from the Solicitor to the Board of Ordnance, directed to the Secretary to the South Eastern Railway Company. On reading the copy of this letter in the petition, he had declined to present it to the House until the original letter had been put in his hands. He now held it in hand, and it purported to be signed by Mr. Hignett, the Solicitor to the Board of Ordnance, and it was to the effect that the tickets for the meeting of the Company at the London Tavern for the following Thursday had been received. It then went on to request that certain shares should be assigned to Captain Boldero, a member of the Board of Ordnance, and that they should be addressed to him at the office, and marked "private." It then stated that the writer had spoken to Mr. Bonham, another member of the Board, on the subject, who had made some difficulty as to taking shares; but it added, send them to him or not as he pleased. After some further observations, the letter was signed "John Hignett." This letter was addressed, as he had stated, to Mr. Whitehead the Solicitor to the South Eastern Company. This letter involved not only a charge against the writer of it, but also involved charges derogatory to certain public authorities; and that therefore he thought that some steps should be taken without delay on the subject. Since he had been in the House, he had spoken on the subject to the hon. and gallant Member for Huntingdon, and the hon. and gallant Member for Chippenham. Under the circumstances, he felt it to be his duty to present the petition to the House without delay, for allegations of this kind should not be put forth without at once meeting a proper answer and explanation; and he had no doubt but that a satisfactory explanation could be given of the conduct of the public officers alluded to. The letters which he had mentioned had been laid before the Railway Committee on Bills, Group A, and that Committee had determined, as they involved charges against public officers, that they could not try the matter; and, therefore, it declined to receive the letters. In consequence of this, the parties had placed the petition in his hands. He should make no comment on the matter, and add nothing whatever to the statements in the Committee, other than observing that the charge was at present wholly *ex-parte*, and doubtless the persons alluded to, could give a satisfactory answer. As he had said before, he held the original letters in his hand. He should then only ask the House to consent to print the petition with the Votes, and he should to-morrow move for the appointment of a Select Committee to inquire into the statements contained in it. He should therefore at once move that the petition be printed; and he trusted that the right hon. Gentleman would, as it was a Government night, allow him to move for the appointment of the Committee at the commencement of Public Business. He should have stated that the petition was signed on behalf of the South Eastern Railway Committee, and had its seal affixed to it.

Mr. *Speaker* observed, that when the conduct of a Member of that House was impugned, it was the rule to ask the hon. Member whether he objected to the printing the petition until an opportunity had been afforded him of explanation.

Mr. *Hawes* said, that not ten minutes ago he had spoken to the gallant Member for Chippenham, on the subject, who informed him that he had no objection to the course which he (Mr. Hawes) proposed to take.

Colonel *Peel* stated, that his hon. and gallant Friend had no objection to the course proposed to be taken. It happened, however, that the decision respecting car-

rying the railway across Woolwich Common, did not rest with the Board of Ordnance, but with the Inspector General of Fortifications. He had only heard of the letters that day, and if the hon. Member for Lambeth had not brought the subject forward, it had been his intention, without any delay, to have called the attention of the House to it.

Motion agreed to. Petition to be printed, and taken into consideration.

House adjourned at two o'clock.

HOUSE OF LORDS,

Friday, June 27, 1845.

MINUTES. BILLS *Public.*—1ª. Drainage by Tenants for Life.

2ª. Sir Henry Pottinger's Annuity.

3ª. and passed:—Infeftments (Scotland); Heritable Securities (Scotland).

Private.—1ª. Belfast Improvement; Great Western Railway, Ireland (Dublin to Mullingar and Athlone); Great North of England, Clarence and Hartlepool Junction Railway; Newry and Enniskillen Railway; Richmond (Surrey) Railway; Liverpool and Manchester Railway; Birmingham and Gloucester Extension Railway (Stoke Branch); North Union and Ribble Navigation Branch Railway; Marquess of Donegal's Estate.

2ª. Lyme Regis Improvement, Market, and Waterworks; Totnes Markets and Waterworks; Blackburn and Preston Railway; Trent Valley Railway; Whitehaven and Furness Railway; Eastern Union (Bury St. Edmund's) Railway; North Woolwich Railway; Dundalk and Enniskillen Railway; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch).

Reported.—Wolverhampton Waterworks; Exeter and Crediton Railway; Sheffield and Rotherham Railway; Yoker Road; Ellison's Estate; Manchester Improvement; Gildart's (or Sherwen's) Estate.

3ª. and passed:—White's Charity Estate; York and North Midland Railway (Harrogate Branch); Glasgow Bridges; Agricultural and Commercial Bank of Ireland; Shaw's Waterworks; Glasgow, Garnkirk, and Coatbridge Railway; Crediton Small Debts.

PETITIONS PRESENTED. By the Duke of Richmond, from Magistrates and others of Dingwall, suggesting Alterations in Banking (Scotland) Bill.—From Poor Law Guardians of Kilrush, in favour of the Tenants Compensation (Ireland) Bill.—From John Final Cook, High Constable of Isleworth, for the Insertion of Clause giving Compensation to them for meritorious services, in the High Constables Bill.—From Attorneys of the Courts at Westminster, for the Substitution of Declarations in lieu of Oaths.—By the Marquess of Normanby, from Legislative Council of New South Wales, for Alteration of Law relating to the Disposal of Land.—By the Duke of Richmond, and Lord Brougham, from Merchants and others of Liverpool and Manchester, for the adoption of Measures to Enforce the Free Navigation of the River La Plata.—By the Marquess of Breadalbane, from Minister and others of Free Church of Garvald, and from a great number of other places, for the Better Observance of, and against the Running of Railway Trains on, the Sabbath.—By the Marquess of Breadalbane, from Minister and others of the Scotch Church, Saint Peter's Square, Manchester, for Preventing the Sale of Intoxicating Liquors on the Sabbath.—From Worksop, against the Increase of Grant to Maynooth College.—From Rector and others of Parish of Little Bowden, and from several other persons in favour of the Charitable Trusts Bill.

ISLE OF MAN.] Lord *Brougham* presented a petition from John Waters Coldecott, a prisoner in the gaol of Castle Rushen, in the Isle of Man, complaining of being imprisoned without a hearing, and praying for relief.

The *Lord Chancellor* said, that he had caused inquiry to be made into this case, and when he had done so, he found that his right hon. Friend the Home Secretary had also instituted a similar investigation. He understood that the petitioner had been kept in gaol for debt, and not for the cause alleged, an assault upon his wife. The result of the inquiries both of himself and his right hon. Friend had been, that the proceedings in the case had been in perfect consonance with the law, good or bad, of the Isle of Man. If the law were bad, it might be amended, which could only be done by the House of Keys, the Legislative Assembly of the island.

Lord *Campbell* thought that what had fallen from the noble and learned Lord on the Woolsack, showed this to be a case for their Lordships' interference; for there could be no doubt that the Imperial Legislature had the power to pass a law for the government of the island. If the proceedings had been contrary to law, the course for redress would have been an appeal to the proper legal authorities; but if it were the law in the Isle of Man that an individual could be imprisoned for seven or eight months without a hearing, the sooner it was altered the better.

Petition read, and ordered to lie on the Table.

RIVER LA PLATA.] The Duke of *Richmond* presented a petition from Bankers, Merchants, and Traders, of Liverpool, praying for the adoption of measures to enforce the free navigation of said river.

Lord *Brougham* also presented a petition to the same effect from Bankers, Merchants, and Traders of Manchester.

The Earl of *Aberdeen* said, he should be most happy to contribute, by any means in his power, to open the navigation of the Plata, or any other river, in any part of the world, to facilitate and extend the commerce of this country. But it was not so easy a matter as the petitioners supposed to open that which lawful authorities had declared should be closed. The petitioners had spoken of a Treaty with this country, by which they alleged they were entitled to the navigation of the River La Plata. Now, Buenos Ayres was the only organ of the

combined States with which Foreign Powers could deal; some of the provinces had revolted, and war was now waging between them. That their Lordships might judge of the manner in which the petitioners had put forward their claims under the Treaty, he would compare their statement with the Treaty itself. The petitioners alleged that by this Treaty there should be reciprocal freedom of commerce between Great Britain and the United Provinces, and perfect freedom and security for British subjects there. Now the Article of the Treaty referred to was to this effect—that there should be between all the territories of His Britannic Majesty in Europe and the territories of the United Provinces in the Rio de la Plata reciprocal freedom of commerce; that the British should have liberty to come with their ships into all the ports of the territories aforesaid "into which other foreigners are or may be permitted to come." Therefore it appeared by the Article of the Treaty, that this country had only a right to claim that which was granted to other foreigners. The Article went on to say, that the inhabitants of the two countries should enjoy perfect security for their commerce, "subject to the laws and statutes of the two countries respectively." So that this country was at the mercy of a sovereign State, choosing to make laws restrictive of free commerce, provided they gave us all that was enjoyed by the most favoured nation. This country was now engaged in the endeavour to restore peace in Rio de la Plata; and he hoped that the result would be an improvement in the present state of things, and a great extension of our commerce in those regions. But we should lose more than we could possibly gain, if, in dealing with these States, we lost sight of the principles of justice. They might be unwise in their commercial policy, and they might be following out a system which we might think imprudent and injurious as regarded their own interests as well as ours; but we were bound to respect the rights of independent nations, be they weak or be they strong.

Lord *Brougham* agreed that the petitioners might have overstated their claims.

Petition read, and ordered to lie on the Table.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.] Lord *Brougham*, in moving for the usual annual return of the state of business before the Judicial Committee of the Privy Council, took occasion to state that only one single case remained to be disposed of before that Court. It was the only tribunal in this country which stood in a similar position; nay, he believed there was not a second example of an equal absence of arrears in the history of the judicial establishments of the civilized world. Yet it was the only body of Judges, though having under its jurisdiction, not only the British Islands, but India, and the whole of our Colonial Empire, for which this great and opulent country refused to make a pecuniary provision; and for his part he felt almost ashamed of being obliged to have recourse to mendicancy in order to procure the judicial services of his noble and learned Friends. He regretted that the Bill introduced last year for the remedy of this evil should have been rejected by the other House, under the supposition that the new judicial office to be created was intended for himself, which was totally unfounded and untrue, as everybody who knew anything about the matter was aware that it was intended for somebody else.

Return ordered.

TURNPIKE ROADS (SCOTLAND) ACT AMENDMENT BILL.] The Duke of *Richmond* moved the Order of the Day for resuming the adjourned debate on the Amendment moved after the third reading of this Bill.

The Earl of *Rosebery* suggested that the operation of the measure might be postponed for two years, which would save the interests of those who had advanced money on the toll houses under the present system.

Lord *Campbell* opposed the postponement, the evils resulting from the present condition of the toll houses being so great as to require an immediate remedy. There was not a single toll house in the south of Scotland that was not employed as a public house.

The Duke of *Richmond* said, so long as the practice continued, it was evident the toll keepers would care much more about the quantity of whiskey drank, than the amount of toll collected. In some places where the license had been withdrawn, it was found that the amount of toll had not decreased.

Amendment, by leave of the House,

withdrawn. A further Amendment moved and negatived. Bill passed.

ECCLESIASTICAL COURTS CONSOLIDATION BILL.] On the Report being brought up with Amendments,

The Bishop of *London*, as one of the five bishops on the Select Committee to which this Bill had been referred by their Lordships, said, that they had done all in their power to improve the Bill, but he hoped it would not be considered that they were pledged either to the principle or the details of the Bill, which would deprive the bishops of the assistance of important officers, because it would deprive them of the means of remunerating them. He did not see how it would be possible to have efficient registrars or active apparitors, without whose assistance the process of the Courts could not be carried on. The scope of the measure would be to weaken considerably the efficiency of that jurisdiction still left to the bishops. The Bill, moreover, provided no compensation for the displaced officers, against the injustice of which he felt himself bound to protest.

Lord *Cottenham*: If the interests of the public were promoted by the consolidation proposed by this Bill, such an object ought not to be set aside because of the inconvenience which might be suffered by certain officers. This was not the House in which compensation could be awarded. With regard to the object of the Bill, it was neither more nor less than that approved of by both Houses of Parliament, by Select Committees of both Houses, and by the Ecclesiastical Commissioners, and by two Law Commissions. The result had been an uniformity of opinion rarely found on a subject of such importance. All had concurred, without any difference of opinion, in approving the scheme now proposed to be carried into effect. As to the question of matrimonial jurisdiction, it had not been transferred without having been much considered and discussed in Committee. He understood the right rev. Prelate's objection to be urged against the transfer to a purely lay tribunal of the power of declaring a divorce in certain cases, that marriage being of a spiritual nature, it ought to be dissolved only by a spiritual court. Without adverting to the alteration of the law which made a marriage good though celebrated by a purely lay officer, the principle suggested by the right rev. Prelate had never been strictly acted upon. Many lay peculiars had this jurisdiction, who derived their power from no spiritual authority whatever. But what put the question beyond all doubt was, that there was at all times an ultimate appeal in matrimonial causes to the Sovereign, who, previous to a late alteration, delegated the inquiry to the High Court of Delegates, consisting of Common Law Judges and Advocates of the Civil Law, who were not spiritual persons. The duty was now delegated to the Judicial Committee of Her Majesty's Privy Council, with the holder of the Great Seal at its head—a perfectly lay tribunal. That tribunal had no power of its own, and reported to the Crown what ought to be done, though the act of pronouncing divorce was that of the Queen in Council. At present, if the ecclesiastical courts refuse a divorce, and on an appeal to the Judicial Committee the Privy Council report that the spiritual court was wrong, and ought to have granted it, the result would be that the divorce would be granted by the Queen in Council. Where, then, in such a case was the spiritual jurisdiction? But it might be said that both the spiritual and temporal authority was vested in the Sovereign as head of the Church, and that the Crown communicated to the tribunal she appointed the ecclesiastical character which belonged to it. The result would be the same under this Bill. The power of directing divorce rested always ultimately with the Crown, and this Bill no more in this respect trenched upon spiritual jurisdiction than the existing law. He ventured to say that no Bill passed this Session would communicate greater benefits to the public than the present.

The Bishop of *Salisbury* admitted there were evils in the present system which it was desirable to remove. He could not object to the transfer of the testamentary jurisdiction for instance; but what he did complain of was, that this Bill destroyed the means by which ecclesiastical jurisdiction could be enforced. Now, that jurisdiction formed part of the institutions of the country, and ought not to be touched except on adequate grounds. The question of compensation which had been raised, at once showed that a measure of this nature ought not to be introduced except on the responsibility of the advisers

of the Crown, particularly as it affected the efficiency of the Church, one of those institutions which they were sworn to maintain, and which they were bound not to touch, except after communication with those who were considered competent to give advice and information on the subject. The Bishops had every reason to believe that no measure would have been passed this year on the question. As a Bill of this description materially affected his jurisdiction, he had waited on the right hon. Gentleman the Secretary for the Home Department, at an early period of the Session, to inquire whether it was probable such a measure would be submitted to Parliament, and he received an assurance there was no chance of it. It was only on his return from London from his visitation, that he saw in the papers an account of the discussion on this Bill, in which the Ministers expressed their cordial concurrence in the object of the measure, and they had since pressed it on with a degree of zeal fully equal to that of its proposers. It surprised him that the noble and learned Lord (Lord Cottenham) should have quoted the Peculiars as an instance of a lay tribunal. They were certainly now in no sense of an ecclesiastical character, and they formed one of those abuses which it was desirable to remove; but they were unquestionably of ecclesiastical origin, and derived their power from the Papacy.

Lord *Brougham;* The right rev. Prelate seemed to think this Bill was the effect of a collusion between its authors and the Government. Now, his noble and learned Friend (Lord Cottenham) had introduced it in a speech of a somewhat hostile character to the Government; and when it was submitted there was not the least conception of the course which the Government would take.

The Bishop of *London* fully concurred with the observations of the right rev. Prelate, that a measure of such great importance to the Established Church, which was an essential part of the institutions of the country, ought not to have been introduced, except on the responsibility of Government. Such a step had never been taken for upwards of 200 years. It was certainly an understanding with the late Government, that no Bill affecting the Church should be introduced without consultation with the Bishops.

The *Lord Chancellor* said, that in consequence of what had fallen from the right rev. Prelate, he begged to state the position in which he stood as to this Bill. During the last Session he had brought forward a measure of a much more modified character; but he had stated as a reason why it was so restricted that he despaired of carrying a more extensive measure through the other House. He had said this Session it was not his intention to bring in a Bill on the subject; and this resolution had been come to after consultation with his colleagues. But when the Bill of his noble and learned Friend (Lord Cottenham) was brought in, he, without any communication with his noble and learned Friend, rose in his place, and said that as it corresponded in all its main features with a Bill submitted by one of his Colleagues in 1842, he could not do otherwise than support it. How could he act otherwise as to any Bill moved by one of their Lordships, which had been previously brought in by Government, but unsuccessfully prosecuted by them?

The Bishop of *Salisbury* said, the Lord Chancellor had referred to the Bills of 1842 and 1843. It was not convenient to speak of that Bill now without having it to refer to; but, if he did not mistake, there was an important distinction between that Bill and this, inasmuch as the former contained the clause respecting spiritual discipline, which was struck out by the Select Committee. He remembered distinctly that it was in 1842 he first had any intimation that the present Government meant to introduce a Bill on this subject. On Ash Wednesday in that year he attended a meeting at Lambeth Palace, specially summoned by the Archbishop of Canterbury, to confer respecting a Bill on this subject which the Government had laid before the Bench for their consideration; and it was the unanimous opinion of the Bench on that occasion that the clause relating to spiritual discipline ought not to be included. Soon afterwards he met the Secretary of State for the Home Department, and in the course of conversation that right hon. Gentleman said to him, "I have been endeavouring to meet the wishes of the Bishops on that subject," and a few days afterwards an amended Bill was sent to all the bishops for their approval. That Bill, however, did not propose to abolish altogether spiritual discipline, but it pro-

posed a clause to carry it into effect which he thought was inadequate, and accordingly he wrote a letter to the Primate on the subject, with a request that he would lay it before the Government. That Bill was not brought in in 1842; but the Bill his noble and learned Friend alluded to was brought in in 1843, and he believed it did not contain the clause relative to spiritual discipline which was contained in the Bill when the noble and learned Lord expressed his approval of it. Being accused of inconsistency, he thought it his duty to point out that in this respect the Bills were materially different.

Lord *Brougham* said, that the difference was that this clause was contained in the Bill, but was now struck out to please the right rev. Prelates. The right rev. Prelate was complaining that he had had his own way in the Select Committee. His noble and learned Friend had only said that he would give his general support to the Bill, without pledging himself to every clause. The right rev. Prelate complained that a great surprise had been practised upon him; but, because the Government had no intention of bringing in the Bill themselves, were they necessarily to oppose it because it was brought in by his noble and learned Friend? Less ground for surprise he never heard. It amounted to this—that the right rev. Prelate thought, when a Peer would not bring in a Bill himself, he did not mean to allow another Peer to do so.

The Bishop of *London* said, his complaint was not that the Government did not bring in this Bill, but that they did not make up their minds whether such a Bill should be brought in or not; and if they determined that it should, that they did not bring it in themselves. He maintained that a Bill of so much importance to the Church ought not to have been brought in except by the Government, and not by them until after due consultation.

Lord *Campbell* begged to remind the right rev. Prelates who had spoken, that the Bill originated with the Commission of which they and four or five other Prelates were members, and that they were unanimous in recommending it in all its main features. It was he who asked his noble and learned Friend on the Woolsack whether he meant to bring in the Bill, and his noble and learned Friend's reply was, "You bring in the Bill, and we will consider the course to be adopted."

The Bishop of *London* said, it was quite true he was one of the Commissioners in 1832, and signed the Report, the recommendations of which tallied to a great extent with the provisions of the present Bill. He had, however, yet to learn that, in the course of thirteen years, additional experience might not properly tend to modify his opinions on a measure like the present. In fact his opinions respecting it were modified to a certain extent, though he did not now object to the whole Bill, but only to some of its provisions. As to his signature being attached to the Commission, if it were worth while he could tell a story on that subject which would effectually refute the charge of inconsistency.

The *Lord Chancellor* said, his noble and learned Friend (Lord Campbell) had a little mis-stated what he said, in reply to his question. His words were, "I have no intention to bring in a Bill, but if you bring one in, I will tell you what we will do with it."

Report agreed to. Further Amendments made.

House adjourned.

HOUSE OF COMMONS,

Friday, June 27, 1845.

MINUTES.] NEW WRIT. For Dartmouth, v. Joseph Somes, Esq., deceased.

BILLS. *Public.*—1°. Small Debts (No. 3); Constables, Public Works (Ireland); Turnpike Trusts (South Wales).

Reported.—Dog Stealing.

3°. and passed:—Assessed Taxes Composition; Timber Ships; Arrestment of Wages (Scotland) (No. 2).

Private.—1°. Earl of Onslow's (Ellerker's) Estate; Heaviside's Divorce; Lord Monson's Estate.

2°. Rochdale Vicarage (Molesworth's) Estate; Hawkins's Estate.

Reported.—Irish Great Western Railway (Dublin to Galway).

3°. and passed:—Belfast Improvement; Liverpool and Manchester Railway; North Union and Ribble Navigation Branch Railway; Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); Birmingham and Gloucester Railway (Gloucester Extensions, Stoke Branch, and Midland Railways Junction); Great North of England (Clarence and Hartlepool Junction) Railway; Richmond (Surrey) Railway; Newry and Enniskillen Railway.

PETITIONS PRESENTED. By Mr. Colquhoun, from Brechin, against Universities (Scotland) Bill.—By Mr. Butler, Mr. Dawnay, and Viscount Ebrington, from several places, in favour of the Ten Hours System in Factories.—By Viscount Ebrington, from Members of Chamber of Commerce, Plymouth, against Merchant Seamen's Fund Bill.—By Mr. Dawnay, from several places, for Alteration of Physic and Surgery Bill.—By Viscount Duncan, from Bath, in favour of Physic and Surgery Bill.—By Mr. Blackburn, from several places, for Diminishing the Number of Public Houses.

RAILWAYS — THE BOARD OF ADMIRALTY.] Captain *Berkeley*, pursuant to the Notice he had given, begged to call the attention of the House to the great hardship and injustice to which parties opposing railways which were to cross or interfere with any tidal rivers, arms of the sea, or creeks, over which the Board of Admiralty had control, were exposed in appearing before Committees of the House on Private Bills, without the Bills having first obtained the sanction of that Board, according to the provisions of the Act 8th of Victoria, cap. 20. An instance of this kind occurred in the case of the South Wales Railway, the opponents of which had been put to great expense by not knowing in the early stage of the Bill, that the Admiralty had refused its assent to carrying a line of railway across a bridge to be built over the Severn. Had the parties been informed of this intention of the Admiralty at an earlier stage, it would, he repeated, have put a stop to much needless expenditure. He hoped that the House would take some steps to remedy the evil; and with that view he would now move that the question be referred to the Committee on Standing Orders.

Mr. *Hume*, in seconding the Motion, said, that the question was one of great importance to all who had embarked capital in railways. In the case to which his hon. Friend had called the attention of the House, certain parties had not come up to defend their interests, for they had no idea that a refusal would be given by the Admiralty to erect a bridge over the Severn. Now, as no bridge could be erected after this refusal, the only way of carrying the line across, would be by a tunnel under the river; but here a new difficulty presented itself, for it was well known that the navigation of the Severn could be much improved by cutting the bed of the river twenty feet below low watermark; but if this were done, it would require to go to a depth of fifty feet to make a tunnel; and this would cause a total change in the plans, sections, and levels.

Sir *G. Grey* concurred in thinking that it would be very desirable that as early a notice as possible should be given by the Admiralty Board of any objections which it had to make to lines crossing rivers or arms of the sea over which they had control.

Mr. *Fitzroy* said, that the changes of levels and sections made in consequence of the refusal of the Admiralty to allow the erection of a bridge over the Severn, had brought the question within the cognizance of the Committee on Standing Orders, and it was they who retarded the Bill, and not the Admiralty.

Mr. *H. F. Berkeley* said, the case was one of great hardship on the parties, and he hoped that some means would be taken to remove the evil.

Mr. *Warburton* said, that in proportion as the power of the Admiralty was great in stopping great undertakings, so ought to be its prudence and caution in the use of it. Due notice should be given of every objection made by it.

Sir *G. Clerk* said, that no doubt the Admiralty possessed the power of pulling down any erections made without their permission; but the parties connected with any railway or other undertaking should apply to the Admiralty in the first instance, and then they would be made acquainted with the alterations to be proposed, and would thus be saved much time and expense. But the Standing Orders' Committee had nothing to do with the case, if the parties neglected what was an obvious duty.

Captain *Berkeley* said, that he would withdraw his Motion, and give notice of another Motion on the subject on Monday next.

Motion withdrawn.

STATISTICS OF IRELAND.] Mr. *J. O'Connell* put the following question to the right hon. Gentleman the Chancellor of the Exchequer:—Whether the Government will take into consideration the propriety of adding to the statement of the Expenditure of the United Kingdom, given in the Finance Acccounts of each year, a special statement of the local expenditure of Ireland; that is, of all disbursements out of the revenue of Ireland, of whatever nature they may be, and a statement of the balance remitted to England? Also, whether the Government will take into consideration the propriety of establishing some means of registry, for statistical purposes, of the nature, quantity, official and real values of all articles of traffic passing between Great Britain and Ireland; and thus supply a deficiency much complained of by the Irish Railway Commissioners of 1838; by Mr. Porter, in his *Progress of the Nation*; and by others employed officially, or otherwise, in inquiries

relative to the statistics of the United Kingdom?

The *Chancellor of the Exchequer* said, that the hon. Gentleman was probably aware that the form of the annual financial accounts as rendered to the House was that which was settled after the union of the Exchequers of Great Britain and Ireland, and continued up to the present period. The greater portion of the information desired by the hon. Gentleman in a separate form was contained in those accounts. To alter their form he thought would be attended with great inconvenience, as it was a great advantage to have the opportunity of making a comparison of one year with another. If any additional details were desired by the hon. Gentleman, he should be happy to grant them. Respecting the second question, he was not at all disposed to deny that for some statistical purpose such an account as the hon. Gentleman wished for might be advantageous; but, in order to make it so, it should be accurate, and, in order to make it accurate, it should be taken at the Custom-house, a step which would at once deprive Ireland of the benefit of having her trade with this country upon the footing of a coasting trade. It did not appear to him that the statistical advantage would compensate for the real evil that would result.

SCHOOL OF DESIGN.] Mr. *Ewart*, referring to the dispute which occurred in the School of Design, and which had resulted, he said, in the dismissal of the second master, and the withdrawal of the pupils almost without exception, wished to know whether the discord still continued, or whether there was any hope of its being settled?

Sir *G. Clerk* said, a difference of opinion unfortunately arose in the early part of this year between the director of the school and some of the masters, regarding the principles upon which the education of the pupils should be conducted. Several of the students joined warmly on the side of the master, and expressed themselves disrespectfully of the character and attainments of the director. The council, considering this to be a gross act of insubordination, felt it to be their painful duty to interfere, by suspending the pupils who had so erred until they made an apology. The disagreement still continuing, the council felt themselves under the necessity of changing the second master; who had accordingly been, he would not say dismissed, but removed.

KENTISH RAILWAYS—THE BOARD OF ORDNANCE.] Mr. *Hawes*: As Her Majesty's Government have consented to the appointment of the Committee of which I gave notice, viz., "A Select Committee to inquire into the allegations of the Petition of the South Eastern Railway Company, under their common seal, presented on the 26th of June," and as the hon. and gallant Captain the Clerk of the Board of Ordnance is present, I think I shall best discharge my duty by simply moving for that Committee, unaccompanying the Motion by any further statement. The hon. Member accordingly made the Motion.

Captain *Boldero:* I think, Sir, that I shall, in rising to second the Motion, best perform my duty by following the example of the hon. Gentleman. At the same time, I cannot forbear stating that both Mr. Bonham and myself are extremely anxious that the investigation shall be of the most searching character.

Mr. *Hawes:* I am glad to hear the expressions which have fallen from the hon. and gallant Member. I trust that neither will there be any opposition to the order of reference for which I also mean to move. My object is to extend the inquiry to the circumstances connected with the progress of this Bill through the House in 1836. If there be any objection, I shall probably be in a condition to present a petition on the subject. I should rather have the order of reference, if not objected to; but if it is, I shall take futher steps on a subsequent day.

Sir *R. Peel:* I think there should be some foundation for a Motion of this sort. I think it would be better if the hon. Member had a foundation for the extension of his Motion.

Mr. *Hawes:* I meant to proceed on well-founded information; but I can present the petition.

Sir *R. Peel:* I beg it may be clearly understood, that I did not make the suggestion for the purpose of throwing any impediments in the way of inquiry. I know nothing whatever of the facts of the case.

Motion agreed to. Committee to be nominated.

ABUSES IN THE POST OFFICE.] On the Motion for reading the Order of the Day for a Committee of Supply,

Mr. *T. Duncombe* rose to move, pursuant to notice—

"That the Returns, No. 72 and 248, made by the General Post Office, be referred to a Select Committee, with a view of inquiring into the accuracy of those Returns; also into the present mode of remunerating by fees and perquisites certain officers of the General Post Office, and how far the duties of that establishment may be rendered more satisfactory to the public, and less unequal and oppressive to the persons engaged therein."

This Motion, he said, had no reference to the opening of letters, but entirely to abuses in the management of the Office. The Returns were two, for which he had moved at the close of last Session; one of them being a Return of every person employed at the General Post Office, with the date of his appointment, the nature of the business performed, the amount of salary attached to such duty, and the fund from which the salary was paid, distinguishing what portion (if any) was derived from fees; and the other being a Return regarding the fund established by perquisites and fees. If a Committee should now be granted him, he (Mr. Duncombe) would prove gross inaccuracy, not—he was afraid—in some instances accidental, but intentional, and for the purpose of misleading the public. The remuneration of public servants by fees, gratuities, and perquisites was most improper, leading to corruption, favouritism, and dishonesty often, and was now tolerated only in the Post Office; every railway company repudiated it. One of the grossest impositions which the wit of man could devise, was the system of fees for the early delivery of letters in the city. There were certain walks, adjusted by the Postmaster General, for which the postmen paid various sums to the Post Office; and all letters arriving from the country, directed to any part of these walks, were sorted for an early and a late delivery; the early delivery being only to those who paid a quarterly sum to the postman, over and above the postage. Now, if the walks were readjusted, the present number of men could deliver all the letters as soon as the present "early delivery." A bookseller residing in Stamford-street, indeed, found that he received his letters at his private house there, from half to three-quarters of an hour earlier than at his shop in Fleet-street, though he paid for the "early delivery" at the latter. Another abuse was the window duty; merchants paying four, eight, or twelve guineas a year got their letters at a window at the Post Office. There ought to be no partiality of the sort. Another improper arrangement was, that the longer a letter carrier served in the Post Office, the less was his pay from the Crown. On entering, he had 20*s.* a week, exclusive of Christmas boxes; but the 20 senior letter carriers, who had been on the establishment from 28 to 43 years, received only 14*s.* a week; and those who had been there from 16 to 20 years were receiving only 18*s.* The pay was gradually reduced, the favourite walks making up for it; and hence, where the salary was but 36*l.* a year from the Crown, the man was receiving 100*l.* or 120*l.* from the public, plundering them. This system demoralized the men, and led to dishonesty. One man was said to have boasted that he had nearly doubled the number of quarterly houses on his walk. A gentleman in Eastcheap gave up paying for the early delivery, as he did not get to town till 10 o'clock: upon which, as he (Mr. Duncombe) was informed, the early letter-carrier passed the word on to the other, and this gentleman's letters were thenceforth delivered last of all. The Commissioners of Revenue Inquiry recommended the abolition of fees, and the substitution of salaries, graduated according to service. The men had also to perform a duty with respect to the *Post Office Directory*. It was a very able and accurate compilation; but the work was done by the letter carriers, who obtained little or none of the profits. It was edited by Mr. Kelly, the Inspector of the letter carriers, who used until this year (when Parliament had begun to turn attention to the Post Office) to boast in the preface of "his peculiar resources through the favour of the Postmaster General." Was it an official or a non-official work?—a public or a private speculation? If private, what right had Mr. Kelly to employ the servants of the Crown to carry on his private speculations? If public and official, the work belonged to the public, and ought not to be made the subject of private speculation and gain. By the return of Mr. Kelly, the total difference between the receipts and expenditure for that work amounted to 1,276*l.* 4*s.* 7*d.*; and he stated—"This work is carried on by a large private capital, supported by official

resources." What right had he to use official resources, and to persecute the letter carriers in order to make them serve his mercenary purposes? Mr. Kelly stated that he had purchased the copyright, but he did not say what he gave for it. But there was reason to believe that it was a mere trifle. Why should he have the services of 200 or 300 men paid out of the public money for his private profit? It was no part of their duty, and they were not told they were required to do it when they entered the service. Mr. Kelly did not say whether the 1,276*l.* was profit or loss; but of course it was profit. If the House would grant him a Committee, he (Mr. Duncombe) would prove that Mr. Kelly's profits were nearly 8,000*l.* a year. Was this to be considered as a perquisite, and ought such an officer as the Inspector General of letter carriers to have such a perquisite? The price of the large edition of the *Post Office Directory* was 30*s.* A letter carrier, if he sold a copy, would be allowed 5*s.*, and the book trade were allowed 6*s.* But any bookseller would tell the House that if he were allowed to use the same resources he could give the work to the public, not at 30*s.*, but at 15*s.* The letter carriers were most insufficiently paid. He would suggest that they should be paid according to the following graduated scale:—For the first five years' service, 70*l.* per annum; from five to ten years, 80*l.*; from ten to fifteen years, 90*l.*; from fifteen to twenty years, 100*l.*; from twenty to thirty years 110*l.* After thirty years service they should have the option of retiring on a pension of 50*l.* a year. Did not these men deserve remuneration to that extent? In addition to his profits on the work, Mr. Kelly furnished a large number of copies, 200 or 300, to the Post Office, for which he was paid, no doubt, and which, when they were done with, were returned to him. In fact, he was using the stores of the establishment. The Revenue Commissioners of Inquiry recommended the discontinuance of the *Post Office Shipping List*, and it had been discontinued. But they had also recommended that the profits on the *Packet List* should be made available to the Revenue. Those profits would replace the loss occasioned by doing away with the fees he had mentioned, and enable the men to receive salaries according to his graduated scale. Mr. Kelly had recently posted up a notice in the letter carriers' department, reminding them that as the time had arrived for collecting information for the *Directory* for the year 1846, care should be taken to get persons to write their proper names and addresses in the printed forms for that purpose; and he trusted that he should not have to report any instance of neglect. What right had this Inspector to report men for not serving his private speculation? The same proclamation stated that 1,200*l.* a year was given in the shape of commission to the letter carriers for selling the work. How did that statement accord with the other made by Mr. Kelly? This *Directory* was a complete monopoly. In reply to Mr. Kelly's proclamation, another notice was posted up, for the discovery of the author of which Mr. Kelly had offered a reward. It was to this effect—

"Fellow-men, read the order emanating from your superior, and wonder by what authority he has imposed such conditions on you! Who has sanctioned this monopoly? Will you submit to have this slavery fastened on you, to serve the private interests of an individual? Are we the servants of a bookseller or of the Queen? Too long have these interests been cultivated at our expense. Men, be firm! Strike the hand that would forge your fetters. Shall you be the slaves of monopoly?—slaves to interests which are fostered by official resources? Let the devil take all dishonesty, and be honest to yourselves. Redeem yourselves by forming a capital of 1,000*l.* and snap the tyrannical chain which binds you. Recollect that postmen can sell any Directory they like. Let it be your own child, and not a bastard."

Now, it was most disgraceful to that establishment that such a notice as that should be posted up in it. But was it to be wondered at, seeing that the men were so badly paid, that they were made to do this extra work for nothing, and that they were reported and suspended often, if they happened to miscollect the name or address of a person? He believed that if those men were to throw Mr. Kelly's printed forms behind the fire, and tell him to collect the information himself, they would be perfectly justified in doing so. There were abuses in that establishment which, if they did not require inquiry, required correction; and he believed it was only necessary that they should be known in order to secure their correction. It would not do to contradict his statements, or to say that they were exaggerated or not true. Give him a Committee, and he would prove them all. Would the House

suffer itself to be imposed upon by false returns? The case of the carriers should enlist the sympathies of the House. They were exposed to hardship and tyranny, and if they attempted to make any complaints to their superiors they were sure to be stopped halfway by Mr. Kelly. They had no power to protect themselves. He believed that Colonel Maberly and Lord Londsdale would be perfectly astonished at the disclosures which would be made, if he were granted that Committee of Inquiry for which he now moved.

Captain *Pechell*, in seconding the Motion, complained of the abuses in the mail-packet department of the Post Office in regard to irregularity and expense. The mails had been detained as long as six months together at the Scilly Islands; and as to expense, the Government had expended in employing two vessels to carry the mails from Penzance to Scilly 1,300*l.* 19*s.* 4*d.* in five years, which sum would have been more than sufficient to have paid a contract for the mail-packets for thirteen years.

Mr. *Hume* wished to say a few words on the subject of the Motion before the hon. Gentleman opposite (Mr. Cardwell) commenced his reply. He was strongly of opinion that the Committee ought to be appointed, even from the consideration of saving the Government much trouble which the Post Office Department now gave them. No hon. Member could visit the city without being astonished at the number of complaints made in all quarters against the Post Office. In every department of the public Revenue the payment of fees formerly existed to a great extent, and a Committee was appointed on his Motion for the purpose of inquiring into them. From the difficulties, however, which were found to exist in the way of a proper inquiry before the Committee, the Government of the day consented to issue a Commission having the same object in view. The Report of the Commission was in favour of doing away with these fees altogether, and the consequence was, that the payment of fees was abolished in every department of the State with the exception of the Post Office alone. The efforts of a Committee, if appointed, to inquire into the state of that establishment, would, he was satisfied, be of considerable service to the Post Office itself, as well as of great use to the public at large. It was in vain for them to attempt correcting the evils of the Post Office system without having the facts before them. The injustice of the early delivery was especially one that might be put an end to. There was no reason why, because a trader happened not to be very extensively engaged in business, and not able to pay a fee for an early delivery of his letters, he should not enjoy the same facilities from a public department as a rich man, who would consent to pay the fee. A man's riches ought not to give him an advantage in a public department over his poorer fellow citizens; and he was sorry to be obliged to say that the Post Office was open to more complaints in that respect than any other branch of the public service. There was no country in the world ever derived a greater benefit from an Act of Parliament than this obtained by the adoption of the penny postage system; but the old establishmeut had not been adapted to the new arrangements, and consequently much of the advantage which the system was calculated to afford to the public was lost by a perseverance in the former state of things. He, therefore, trusted that the House would support the Motion for the appointment of a Committee of Inquiry.

Mr. *Cardwell* said, notwithstanding his great respect for the hon. Member for Montrose, he was afraid he could not consent to adopt his advice by granting the Motion of the hon. Member for Finsbury. [Mr. *Hume:* You may not, but the House will.] He would, in the first place, observe, in reply to the hon. and gallant Member who had seconded the Motion, that the hon. and gallant Gentleman had admitted one of the returns to be correct. When parties had refused to carry the mails on the terms which the state of the Revenue enabled them to offer, the Postmaster was necessarily obliged to take other measures for the transmission of letters. With regard to the question of fees, he thought he was justified, from the terms in which the hon. Member had concluded his Motion, in saying that the hon. Member did not think a Committee of that House was the most appropriate means of correcting the evils of which he complained. It was the easiest thing in the world for any person, having complaints to make, to send them to the Postmaster General, or the Secretary of the Post Office, when they would be promptly attended to. He believed there was no disposition, either on behalf of the

superior or subordinate officers of the Post Office, to continue unnecessarily a system of fees. That fact had been already stated before a Committee by the Secretary of the Post Office. In many instances these fees had been removed; but they were still retained in the case of the early delivery. Now, what was that delivery? There was a large class of persons within the general post delivery to whom an early receipt of letters was of the utmost importance; and while, by the early delivery, these parties were benefited, the public at large also obtained some advantage; because the early delivery being completed before the first general delivery commenced, the letter carriers went out with a much less number of letters than they would have, if there were no early delivery, and the public generally thus received their letters much quicker than if the men had a greater number of letters to convey. Besides, the greater number of letters sent out by the early delivery were, he understood, received at the steps of the Post Office by persons specially sent for the purpose of receiving them, and thus the time of the letter carriers was not so much occupied in this matter as might at first sight be supposed. Another advantage arising from the early delivery was, that a great proportion of the foreign letters on which postage was payable were sent out by it, and thus as credit was given to them in the Post Office, the convenience of the parties was thus very considerably promoted. But the hon. Member had stated that it appeared to be very hard, that the salary of the subordinates in the Post Office diminished as their period of service increased. The reason of this was that the older officers, who became more trustworthy, were selected in proportion to their seniority for other situations to which fees were attached; and these fees, therefore, could not be abolished without giving the parties a claim to compensation. This accounted for the salaries apparently decreasing, when the amount actually received by the men in reality increased. He did not think it would be justifiable to abolish these fees, because such a course would, necessarily, impose a large increase of expense on the revenue, while it would inconvenience parties who were now materially benefited by the early delivery. With respect to the Post Office Directory, he did not think it was open to the description of being an exceedingly gross job. The hon. Gentleman had stated that there was a system of insubordination caused by the manner in which the Directory was compiled; and certainly the document which the hon. Member had been so good as to read to the House was as insubordinate a production as could well be conceived. But that only showed that there was some insubordinate person connected with the Post Office, and not that the system pursued there was calculated to cause such irregularity. It was, he believed, found necessary for the proper management of the Post Office, that the information contained in the Directory should be collected; and a part of the duty of the letter carriers accordingly was to obtain correct answers to the inquiries sent forth. That being so, it was clearly a great advantage to the public that the information thus obtained should be published. The work was commenced in 1779, by a Mr. Sparks, who was then connected with the Post Office, and it was afterwards conducted by a Mr. Pritchard, who purchased it from the former proprietor. About ten years ago, when Mr. Kelly succeeded to the office, it was proposed that he should make an arrangement with the widow of Pritchard for the purchase of her interest in it. He also advanced some amount of capital for the purpose of improving the work, and he was satisfied that the return of 1,200*l.* a year profit was a correct return, and that it comprised not only the actual profit, but also the interest on the capital expended. He also believed that the letter-carriers received a considerable profit from the work; and, under these circumstances, he did not think it was justifiable to designate the proceeding as a gross job. The hon. Member concluded by repeating his conviction that the noble Lord at the head of the Post Office Department would be found ready and willing to correct any evils or improprieties that might be pointed out to him.

Dr. *Bowring* said, the Post Office was a public establishment, paid for by equal contributions from the community at large; but, he would ask, did it contribute equal benefits to all parties? Fees had been destroyed in other departments of the public service; but they were unjustly retained in this, and thus he who could go with a fee in his hand to the Post Office was enabled to obtain benefits which were denied to the poor man. It was often as necessary for the less opulent merchant to receive early intelligence from the Continent or elsewhere as for the wealthy man; but by the present

system it was denied him. The Post Office was the most important of all to the public; and he thought, on every priciple of justice, that its advantages should be extended to every individual in the community,

Mr. *Williams* said, after the three charges which were brought against the Post Office Department, he thought the Government were bound to grant the Committee of Inquiry. The hon. Gentleman (Mr. Cardwell) had not denied these charges, he had merely endeavoured to palliate them; but he (Mr. Williams) would ask seriously were such grave accusations to be dismissed in such a manner? The heads of public departments made it a rule, on all occasions, to defend the acts of their subordinates; but in this, the most important branch of the public service committed to the care of the Government, he trusted such a course would not be persevered in without an inquiry being instituted.

Mr. *Baring* would not trouble the House with more than two or three words. Though he was not prepared to go the full length of assenting to the appointment of the Committee, he still thought the subject one which the Government ought to take under their consideration. He did not agree in terming the Post Office Directory a job; but he would not at the same time say that a better arrangement than the present system might not be adopted.

Sir *Charles Lemon* said, the Papers before the House furnished a satisfactory answer to the hon. Gentleman (Mr. Cardwell). It was plain that the Post Office authorities had been deceived by their subordinate officer in Cornwall, as that was the only manner in which he could account for their seeing the question in a different light from every other person who knew anything whatever about it.

Mr. *Curteis* thought it was a very great hardship that he should receive his letters an hour and a half later than other persons, merely because he would not submit to pay an illegal fee. If his constituents received answers to their letters from him later than they might wish, he hoped they would know that the blame rested not with him, but with the Post Office.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 106; Noes 30: Majority 76.

List of the AYES.

Acland, Sir T. Dyke	Holmes, hn. W. A'C
A'Court, Capt.	Hope, hon. C.
Adare, Visct.	Hope, G. W.
Arbuthnott, hon. H.	Hussey, A.
Arkwright, G.	Hussey, T.
Baillie, Col.	Ingestre, Visct.
Baillie, H. J.	Jermyn, Earl
Baird, W.	Jocelyn, Visct.
Baldwin, B.	Jones, Capt.
Baring, rt. hon. F. T.	Kemble, H.
Baring, T.	Knightley, Sir C.
Baring, rt. hon. W. B.	Lascelles, hon. W. S.
Bentinck, Lord G.	Liddell, hon. H. T.
Beresford, Major	Lowther, Sir J. H.
Boldero, H. G.	Lygon, hon. Gen.
Borthwick, P.	Mackenzie, T.
Botfield, B.	Mackenzie, W. F.
Bowles, Adm.	M'Neill, D.
Broadley, H.	Masterman, J.
Broadwood, H.	Meynell, Capt.
Buller, Sir J. Y.	Mundy, E. M.
Cardwell, E.	Neville, R.
Carew, W. H. P.	Newdegate, C. N.
Clerk, rt. hn. Sir G.	Nicholl, rt. hn. J.
Cockburn, rt. hn. Sir G.	O'Brien, A. S.
Copeland, Ald.	Pakington, J. S.
Corry, rt. hon. H.	Patten, J. W.
Cripps, W.	Peel, rt. hn. Sir R.
Damer, hon. Col.	Peel, J.
Darby, G.	Polhill, F.
Davies, D. A. S.	Pringle, A.
Dickinson, F. H.	Richards, R.
Douglas, Sir H.	Scott, hon. F.
Douglas, Sir C. E.	Shaw, rt. hon. F.
Drummond, H. H.	Sheridan, R. B.
Duncombe, hon. A.	Smith, rt. hn. T. B. C.
Egerton, W. T.	Spooner, R.
Egerton, Sir P.	Stewart, J.
Entwisle, W.	Stuart, H.
Fitzroy, hon. H.	Sutton, hon. H. M.
Forman, T. S.	Tennent, J. E.
Fremantle, rt. hn. Sir T.	Thesiger, Sir F.
Gaskell, J. Milnes	Tollemache, J.
Gladstone, rt. hn. W. E.	Trench, Sir F. W.
Gladstone, Capt.	Trevor, hon. G. R.
Glynne, Sir S. R.	Trollope, Sir J.
Gordon, hon. Capt.	Verner, Col.
Gore, M.	Vernon, G. H.
Goulburn, rt. hon. H.	Vivian, J. E.
Graham, rt. hn. Sir J.	Wellesley, Lord C.
Granby, Marq. of	Wortley, hon. J. S.
Greene, T.	
Halford, Sir H.	TELLERS.
Henley, J. W.	Baring, H.
Herbert, rt. hn. S.	Lennox, Lord A.

List of the NOES.

Barnard, E. G.	Forster, M.
Barrington, Visct.	Hawes, B.
Brotherton, J.	Heathcoat, J.
Busfeild, W.	Langston, J. H.
Collett, J.	Lemon, Sir C.
Craig, W. G.	Marsland, H.
Curteis, H. B.	Martin, J.
Dennistoun, J.	Mitchell, T. A.

Muntz, G. F.	Wakley, T.
Murray, A.	Warburton, H.
O'Conor Don	Wawn, J. T.
Paget, Col.	Williams, W.
Pechell, Capt.	Wyse, T.
Plumridge, Capt.	TELLERS.
Tancred, H. W.	Duncombe, T.
Villiers, hon. C.	Bowring, Dr.

Order of the Day read, on the Motion that the Speaker leave the Chair.

NATIONAL ANTIQUITIES.] Mr. *Wyse*, pursuant to notice, rose to move

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Commission for the purpose of considering the best means for establishing and maintaining a Museum of National Antiquities in conjunction with a Commission for the conservation of National Monuments."

He did not complain either of the application or results of the expenditure dedicated to the purchase of Grecian or Roman works of art; what he wanted was, the foundation and maintenance of a gallery for the preservation of those monuments and specimens, either of skill or feeling, which characterized the arts and history of this country. It was only by a juxtaposition of the monuments of art connected with the different epochs, from the earliest to the latest, that they could either duly estimate the past or produce for the future. It was a cardinal mistake to call on artists to produce historical works, without the means of cultivating their powers, and ascertaining the spirit of the age they had to represent. These means ought to be afforded in a liberal and ample manner, worthy of so great a nation. Hitherto our artists had but small means; although their enthusiasm had been great, their education had been limited. Much labour had, therefore, been misapplied, and a large expenditure of time and money forced upon them; and thus not only individuals but the nation had been deprived of opportunities of excellence which a little previous arrangement might have secured. There was no place provided for the reception of British antiquities. Throughout the country a gradual dilapidation of public monuments was going on. In their architecture alone many of the finest old buildings were injured by neglect or injudicious repairs; many specimens of their best artists no longer existed; and, where they had been repaired, they had too often witnessed the destructive results of the "beautifying" of churchwardens and others who had no knowledge or feeling of art, and whose labours exhibited a spirit of Vandalism existing in the midst of a Christian and civilized community. He mentioned the neglect with which many specimens of old church architecture had been treated, among them St. Saviour's, Southwark, and the Cathedral of Durham; and in Ireland, Glendalough and Cashel. He quoted an extract from the Essay of Mr. Petrie, on the Round Towers of Ireland, in which that gentleman states, that he was induced to undertake his researches solely from an ardent desire to rescue the antiquities of his native country from unmerited oblivion; and from a hope that, by making them generally known, some stop might be put to the wanton destruction of those remains, which threatened to lead to their total annihilation. The same efforts should be made to preserve the ecclesiastical and historical monuments of the kingdom; and he was sure there was no one who would not cooperate with the Government for the purpose, if the Government was disposed to assist them. He adverted to the destruction that fell on the monuments and antiquities of France during the tempest of the Revolution; but the nation had at last become conscious of the misfortune. Like ourselves, the people could complain of seeing their old buildings dilapidated, or injudiciously repaired. Many of the monuments of the country were disappearing from the soil, and remains of great value, in the precious metals or in painted glass, were being transferred to the stranger. In a memoir of the Committee of Arts and Monuments, it was stated that the cathedral of Notre Dame, at Paris, was sadly shattered; that in very recent times some of its beautiful imagery and carvings had been broken or taken away; even the ancient inscription which recorded the date of its erection was almost effaced; and that it was made the place where the children of the neighbourhood assembled to amuse themselves, to the great injury of the fabric. To remedy these evils a provisionary school was instituted for the purpose of awakening attention to the subject of ancient art; the plan became more developed, and, to the honour of France, it was not long before the Government exerted themselves in the matter. The present Minister of that country took up the question zeal-

ously, and the Committee of Historica Monuments and Arts was appointed. The church of St. Martin des Champs, one of the oldest in Paris, was selected as a repository for monuments and specimens of ancient art. In consequence of the exertions of this Committee, a new spirit had been aroused in France for the illustration of every period of the progress of Christianity both in that country and throughout Europe; and there was a general desire among the people to give the fullest effect to the intentions of the Government. He hoped that not only would the historical remains of France be preserved from further injury by this Committee, but that all Europe would be benefited by the liberality with which their museum was thrown open to every class of strangers. These exertions were not confined to France alone; similar efforts were making in Belgium and Germany. He reminded the House that for the decoration of the New Houses of Parliament they were going to resort to Christian art, dealing with the poetry and history, not of the pagans, but of a Christian people. Was he not justified, then, in calling on them to imitate the example of France, and to found a Museum of National Art, combined with a Commission for preventing the further decay and destruction of national monuments? He was confident the public would assist them, nay, that public liberality would outstrip their own. He knew more than one gentleman who would willingly present their collections to the public, if the Government would make them accessible, by providing a place in which they might be deposited. These collections were of great value, as they were not acquired at auctions, but by a long life of research and labour. Such were the collections of Mr. Britton, and those in the studios of many other artists and antiquaries. He believed that in founding such a museum, they would be supported by a general feeling out of doors that it would not be a lavish expenditure of public money, but one in harmony with their past and present efforts; one they were called on to make by the present position of the arts in this country; one to which they were invited by the general voice of Europe. The hon. Gentleman then moved an Address to Her Majesty to appoint a Commission to inquire into the best means of preserving the national monuments and antiquities.

Mr. *Bernal* said, the inquiry called for by the hon. Member was absolutely necessary. There was, unfortunately, too great an apathy in this country, with regard to such subjects as these, because they had not the interest of personality and strong political feeling. If the state of the Treasury did not allow the right hon. Baronet to give the public money for the promotion of these objects, a public subscription ought to be opened for the purpose. We were the only country in the world which left these matters to private enterprise and taste. At the Louvre there was a large collection of middle-age relics; but we had no such public collection. He thought that the Motion of his hon. Friend was somewhat too confined—that it ought to extend to antiquities generally, which were analogous to and coeval with the antiquities of this country—for instance, those which were to be found in Brittany. There ought to be an institution where the student could see the dresses, weapons, costumes, and antiquities of past ages. It was true that there was the Geological Museum, but it was confined in its objects. And at the British Museum there were vast collections of most interesting objects, which, however, either from want of room, or want of good will on the part of the conductors of the institution, were not properly accessible. He was satisfied that if a national museum were once established, private individuals would at once contribute to it. Such an institution would have the best effect on the manners and morals of the people.

The *Chancellor of the Exchequer* (who was most indistinctly heard), said that the hon. Gentlemen who had brought forward and seconded this Motion, did not appear to have taken into consideration that the works of foreign countries were under the influence of the Crown or the Government, whereas a great deal had been left in England to the exertions of private individuals, or companies of persons associated together for the promotion of art. It was quite true that our national galleries and public collections would not compare with many foreign galleries; but, at the same time, it should not be forgotten that there were very valuable collections in the possession of many members of the nobility and gentry of this country; and he was persuaded that, could it ever happen that, by any extraordinary circumstances, those works should be accumulated into one gallery,

it would be found that England actually possessed a larger quantity of beautiful works of art than any single country in Europe. He might state, too, in respect to the owners of these works, that they were remarkable for their great liberality as regarded the arts of this country, and that their conduct gave to our native artists advantages equal to, if not greater, than those they might derive from the accumulation of these works into one spot. With respect to the architecture of this country, the hon. Gentleman would admit, he thought, with him, that there had been, in recent times, a very remarkable amendment in that department of art. With respect to the appointment of a Commission, however, for the purposes to which the hon. Gentleman had referred, what he (the Chancellor of the Exchequer) apprehended to be the evil of similar Commissions was this, that they got into the hands of individuals who, having themselves peculiar tastes of their own on the subject of art, and being succeeded again by others, perhaps, whose tastes differed from theirs, produced this result—should bad taste prevail—that bad taste was perpetuated by such Commissions. He was rather disposed, therefore, to leave subjects of this sort to the general improving taste of the people, which necessarily operated upon the minds of individuals who had the means of applying themselves to such subjects. Commissions, in his opinion, could do very little good in reference to the points of which the hon. Gentleman complained. He would not, however, enter at length into this subject on that occasion. It involved a great question of expenditure, if carried to the extent which those who were anxious for its promotion desired to see it carried; but this he felt he might say, that there never had been, on the part of the Government of this country, any niggardly disposition which restrained them from the purchase of works of art which were for sale, and the possession of which, by the nation, might be of service to the advancement and encouragement of native art. The right hon. Gentleman concluded by stating that he was not prepared to accede to the proposition before the House.

Mr. *Borthwick* thought it extremely desirable that increased care should be bestowed upon the preservation of the religious and ecclesiastical monuments of this country, even to the comparative neglect of those of pagan and profane antiquity. The state of our ecclesiastical architecture was such as to call for much greater attention, though greater expense should thus be incurred than had hitherto been devoted to it. The hon. Gentleman adverted at some length to the exaction of fees from persons visiting cathedral structures, and strongly expressed his disapproval of the practice.

Mr. *Ewart* said, it was a mistake to suppose that the right hon. Gentleman (Mr. Wyse) wished to have existing monuments dispoiled; he only desired to have them concentrated in one establishment, instead of mouldering in various public edifices. He entirely concurred in the view which had just been taken in reference to cathedrals. Forming, as cathedrals did, part of the history and religion of the country, it was the duty of the Government to do all in its power to secure their being open to the public without any charge whatever.

Mr. *Wyse* having replied,

Motion negatived.

SUPPLY—ORDNANCE AND MISCELLANEOUS ESTIMATES.] House in Committee of Supply.

On the proposal of a grant of 299,333*l.* for defraying the expenses of the Commissariat and Barrack supplies, &c., for the Army,

Mr. *W. Williams* said, that the only vote which had been taken on these Estimates on a former occasion had been voted at a late hour of the night, and at a time when he had not an opportunity of making the few observations he was desirous of offering to the House upon them. He was sorry to see that there was so great an increase in this department of the public service in the present year. The Estimates consisted of nine votes, and in seven of those nine votes there was an increase of 284,000*l.*, whilst there was also a considerable increase in regard to the other two, over the sums voted last year. The Ordnance Estimates for the present year amounted to 2,287,000*l.* In the year 1835 they were one million less than that amount; so that the Estimates of the present year were, without anything in the circumstances of the country to justify any such increase, very nearly double those which were considered necessary in 1835. He objected to the number of officers attached to the Royal Horse Bri-

gade, which was kept at home, and performed no service abroad, as the other regiments did. He admitted that the Artillery corps of the country ought to be kept in an efficient state; but this regiment called the Royal Horse Brigade, composed of 570 men, had three colonels, six lieutenant colonels, and forty officers in all, giving an officer to every eighteen men. Moreover, nineteen of those forty-six officers received extra pay for brevet rank. He thought that this corps ought to be placed on the same footing as the other Artillery regiments.

Captain *Boldero* said, the present was the first time since he had a seat in that House that he had heard anything in disparagement of this splendid corps. If they did not keep up the number of the Horse Artillery, they would weaken their cavalry, because it covered the movements of the cavalry. A great advantage in maintaining this corps in a state of efficiency was, that if they found it necessary to double their Horse Artillery force, they could do so by merely providing horses. It was a poor economy to disband this fine corps for a saving of 1,700*l.*, for that was all that would be saved.

Sir *H. Douglas* entreated the Committee not to be led away by the hon. Member's regard for pecuniary economy, to interfere with this splendid and efficient corps—the Horse Artillery. The hon. Member said it might be dispensed with in peace, and speedily reconstituted for war. This was not so. No corps of this description and scientific character could be suddenly formed. Nothing in our military system had contributed more to the success and renown of our arms, than that power of concentration, celerity of movement, and active combination of artillery with the other arms, which attended the introduction of horse artillery. The efficiency of the horse artillery was the result of many years of improvement and experience. He (Sir H. Douglas) would not attempt to take up the time of the Committee to trace this. For this, it would be necessary to go back to the time of Frederick the Great, who introduced horse artillery in that war, in which, by celerity of movement, he defeated, with the same army, enemies on every frontier of his States. He might show the prodigious advantages reaped in all the armies of Europe from the adoption of this arm—the important uses made of it by Dumourier, Pichegrue, and Napoleon; and in our own service, the brilliant services of that corps in the Peninsular war. He (Sir H. Douglas) would not attempt to specify the many brilliant proofs, exhibited in that war, of the peculiar advantages of that description of artillery to which the hon. Member's observations related; but, with the permission of the Committee, would refer only to the battle of the Nivelle on the 10th of November, 1813. Clauzel was strongly posted on a ridge, having the village of Sarre in front, covered by two formidable redoubts, San Barbe and Grenada. He thought the country in front was so difficult and impracticable for artillery, that he was astonished when eighteen British guns opened upon those redoubts at daylight in the morning. Under the powerful effect of a shower of shot poured upon S. Barbe, the infantry of the fourth division stormed and carried that redoubt. Ross (the present Sir Hew) then galloped—he (Sir H. Douglas) begged the Committee to mark the term — galloped to a rising ground in rear of the other redoubt, Grenada, drove the enemy from it, when the British infantry carried it, and the village of Sarre, and advanced to the attack of Clauzel's main position. Part of it was carried; but Clauzel stood firm, covered by another redoubt and a powerful battery. These were speedily silenced by Ross's troop of horse artillery, the only battery that had been able to surmount the difficulties of the ground after passing Sarre. The British infantry then carried the redoubt, drove Clauzel from his position, forced the French to retire, and the rout was complete. Sir, that operation was worth all the money the horse artillery has ever cost the country. He (Sir H. Douglas) cordially concured in the vote for increasing the number of men of the foot artillery; far from thinking it unnecessary, it was indispensable; but it was totally inadequate to the wants of the service. He rejoiced to find in these Estimates, votes for improving the coast defences, for ordnance stores, and for armament; but (he continued) "I beg the Committee to remember that, however liberally the material of the coast defences may be provided for, however promptly these may be completed, you will have done little towards the security of the country, unless you are prepared to man those defences with a sufficient number of well-trained and efficient artillerymen, ready, at any time, for any sudden emergency. To be prepared for, is not to pro-

voke, but to prevent war. The most perilous part of a war to this country, would be the commencement, before you get your strength together, and can put forth your force for meeting menace, with active defence, as Britons ought, to keep war from the shores of England. But you have not at present one artilleryman per gun for existing defences; you have not a sufficient number of artillerymen to keep up the foreign reliefs properly with well-trained men. You have not a piece of ordnance, nor an artilleryman in all the Colonies of the Pacific. Such are the demands on the head quarter establishment, the practical school of artillery, that artillerymen, and even non-commissioned officers are frequently sent away imperfectly trained, and often without any instruction in the gun practice. Remember that it is not only necessary to retain practical proficiency in the management of the arms which triumphed in the late war, but to become as proficient and as superior in acquiring a perfect knowledge, an expert and effectual management, of the new arms which will be generally used, together with a gigantic power, in future wars. Improvements in naval and military ordnance keep peace with the gigantic progress making in other departments of mechanical and practical science. The arms of the late war have been superseded—more powerful engines—more ponderous bolts are forged. Such now is the state of naval artillery and gunnery, and the means of aggression, that coast defences require additional strength, corresponding armament, and, above all, efficient management, to prevent the approach of forces which, if permitted to close, are now, as has been shown in a recent instance, more formidable than ever to coast batteries. I would repeat, then, in the strongest possible terms, that whatever else we may do, we do nothing, effectually, towards the security of the country, against any sudden attack, if we provide not in time the means to man our batteries with a sufficient number of well-instructed efficient artillery-men."

Vote agreed to.

On the Vote of 213,246*l.* for Ordnance Stores for the Land and Sea Service,

Sir *H. Douglas:* With reference to what had been said by his hon. Friend the Secretary of the Admiralty, on a former occasion, respecting the insufficiency of space on the breakwater at Plymouth, for the erection of a battery, he (Sir H. Douglas) thought it indispensable to the defence of the Port and Arsenal, that a powerful battery should be established on the south-west elbow of the breakwater, to cross fire with the defences on the Mount Edgecombe shore; and consequently that the breakwater should be sufficiently enlarged and heightened at that part for the erection of such a work.

Vote agreed to.

On the Question that 208,573*l.* for Salaries and Contingencies of Officers in the Barrack Establishments of the United Kingdom and the Colonies be granted,

Sir *H. Douglas* wished to ask his hon. and gallant Friend whether any, and what, measures were adopted to provide for the building of a church at Corfu, consequent upon the demolition of that which, standing in the way of improvements in the military defences, had been taken down?

Captain *Boldero* was understood to say, that there had been some difficulty in deciding upon a proper site; but that, this being supplied, a new church would speedily be commenced.

Sir *H. Douglas* would take that opportunity of asking whether any, and what, measures were adopted in the erection or enlargement of barracks, at home and abroad, to provide chapels for Divine service, and which might likewise be used as school rooms; and which he (Sir H. Douglas) thought should be provided wherever barrack accommodation for the head quarters, or for any considerable detachment of a regiment, might be permanently provided for.

Captain *Boldero* was understood to say, that in the works now under execution for barrack accommodation, provision had been made for those important purposes.

Vote agreed to.

On the Question that 62,743*l.* for Scientific purposes in the Ordnance Department be granted,

Sir *H. Douglas* wished to know whether any, and what, measures were adopted for the purpose of prosecuting the Ordnance Survey of Scotland—the elementary and secondary triangulation of which had been so long contemplated?

Captain *Boldero* was understood to say, that measures had been adopted for the actual prosecution of that important work.

Vote agreed to.

On the Vote of 6,500*l.* for part of the expense of erecting the farmhouse and premises in the Botanical Gardens at Kew,

The Earl of *Lincoln* observed, in answer

to a complaint of Mr. Williams, that the Gardens were open to the public every day from an early hour.

On the Vote of 85,395*l.*, for providing temporary accommodation for the Houses of Parliament, Committee-rooms, residence for the Speaker, &c.,

Mr. *Hutt* complained of the state of the Committee-rooms, and said that the Members who attended day after day to their duties, ought to have some protection from the dangerous state in which imperfect ventilation left the Committee-rooms.

Sir *R. Peel* admitted the justice of the hon. Member's claim on the Government to provide adequate accommodation for Members whilst engaged in close attention to their duties.

Vote agreed to.

On the Vote of 13,400*l.* being proposed for the salaries and expenses of the persons employed in the care and arrangement of the Public Records,

Mr. *Protheroe* asked if any plan had been adopted for the more perfect custody and preservation of the records?

The Earl of *Lincoln* said, the proposal for depositing them in the New Houses of Parliament had been abandoned, and the matter had been referred to Sir F. Palgrave.

After a short conversation,

Mr. *Hawes* remarked, the question had been so long under consideration, that, before it was settled, in all probability the records would be burnt.

Vote agreed to.

The following Votes were also agreed to:—

14,000*l.* to defray the cost for pulling down and rebuilding the Home Office, and enlarging the Board of Trade Offices; 3,336*l.* to defray the cost of maintaining Holyhead Harbour; 50,000*l.* to defray the expense of repairing and enlarging the Caledonian Canal; 9,000*l.* to defray the expenses of the works and repairs of Kingston Harbour; 39,320*l.* for salaries of Officers, and the expenses of both Houses of Parliament; 25,900*l.* for the expenses of the Treasury Office; 17,420*l.* for the Home Department; 24,000*l.* for the Foreign Office; 21,000*l.* for the Colonial Office; 39,000*l.* for the Privy Council and the Board of Trade; 2,000*l.* for the Privy Seal; 34,026*l.* for the Paymaster General of the Forces; 15,919*l.* for the Controller and Officers of the Exchequer; 2,612*l.* for the expenses of the Jewel Office in the Tower; 10,967*l.* for salaries and expenses of Inspectors and Sub-Inspectors of Factories; 22,471*l.* to pay the salaries and expenses of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and the Privy Council Office in Ireland; 5,018*l.* to defray the charge for salaries, &c., of the office of the Paymaster of Civil Services in Ireland; 3,157*l.* to pay the salaries and expenses of the Board of Public Works in Ireland; 221,588*l.* for providing stationery, printing, and binding for the several departments of Government in England, Scotland, Ireland, and the Colonies, and for providing stationery, &c., for the two Houses of Parliament; 4,950*l.* for the expense of printing, &c., to be executed by the Queen's printers in Ireland.

Sir *C. Napier* inquired if a Supplementary Vote was intended to be brought forward for the retired Navy list this year?

Sir *G. Cockburn* thought he might venture to promise as much.

In answer to a question from Mr. *Hawes*,

Sir *J. Graham* said, that in October or November, it was likely that a library and reading room would be ready, in which the public might consult the State Papers, an index to which had been completed.

On the Vote of 112,317*l.*, for Repairs and other Expenses connected with Public Buildings,

Mr. *Bernal* called the attention of the right hon. Baronet at the head of the Government to the fact of a picture having been purchased for the National Gallery for 600*l.*, which proved to be not worth 40*l.* He alluded to a *soi-disant* picture of Holbein which was exhibited for a short time in the National Gallery. He had not seen it, but believed it was now vegetating in an inglorious obscurity, having been considered unworthy of a place in the national depository of paintings. He had, therefore, to complain that such large sums of money should be paid for paintings of illegitimate or doubtful origin.

Sir *R. Peel* said, that as one of the Trustees of the National Gallery, he would be happy to give the hon. Member every information. He thought that, speaking generally, the pictures bought by the Trustees were of very high repute. They had procured some of the very finest paintings. He admitted, however, that there were in the National Gallery pictures of an inferior character; but these were not

purchases. They were the gifts of private individuals. The Trustees were, however, now adopting a rule with respect to gifts of this nature, which it would be ungracious altogether to refuse; but the Trustees intended to attach to their acceptance a condition that they should be at liberty to present them to provincial galleries. He admitted that many of the pictures presented by private individuals were of an inferior character. He would take that opportunity of saying, that if the House would consent to have a good National Gallery for the reception of paintings, it would be the cheapest expenditure in the end, as many persons would be induced to give their pictures to it, in order to have their names recorded there, which they would prefer to the money the picture would bring. With respect to the purchase alluded to by the hon. Member, he begged to say that the National Gallery, being deficient in works of the old German school, a report reached the Trustees that a picture of Holbein was for sale. It is difficult to say, in the case of a picture of the age of two or three hundred years, whether it can be justly attributed to the master or not. The picture in question was bought as a Holbein; and though there is no doubt that it is a contemporary painting, yet, as there had arisen a doubt as to its being a Holbein, it was withdrawn. They were at present in communication with the party from whom it was bought; and the Trustees, who had met twice on the subject, were to meet again in reference to it on Monday next. No guarantee had been received as to the authenticity of the picture; but, indeed, in such cases, it was difficult to obtain a guarantee. In cases of doubt, he should recommend that eminent artists and dealers be consulted—a course which he thought preferable to the appointment of a permanent commission. The purchases made by the Trustees of the National Gallery were rare and infrequent, and confined to valuable pictures. It was, however, difficult to get valuable pictures, so great was the price given for them. Indeed, the rapid increase in the price of works of art was really astonishing.

Dr. *Bowring* wished to know if there were any hope of improving the external appearance of the National Gallery. If any proposition were made for that purpose, he was sure that all parties would cordially concur in supporting it.

Mr. *Warburton* trusted that the right hon. Baronet would be prepared, in the course of next year, as the cheapest mode of obtaining a good collection of pictures, to recommend the erection of a suitable building to contain the great national collection.

Sir *R. Peel* said, when the grant for the present National Gallery was made, there were so many claims on the public purse, that Parliament was not disposed to vote a large sum for the purpose. The result, from whatever cause, was, that they had thrown away a most magnificent site. It was impossible to stand on the steps of the present building, and not be convinced of that fact. Very little good, however, would be done by laying out money on the external improvements, such, for instance, as the enlargement of the turrets. In fact, the interior of the building required great alteration before it could be effective for the purpose for which it was designed. For example, a great deal depended on the way in which the light was thrown on the pictures. If the angle of incidence, and the angle of reflection, were not duly attended to, great injustice might be done to a picture of great merit. The erection of a new National Gallery would be much better and cheaper than any attempt to modify or improve the exterior of the present building. This subject was under the consideration of the Government of the country; and he thought, before many years elapsed, we should have a National Gallery worthy the reception of works of art, and calculated to encourage their possessors to bequeath them to the public.

Mr. *Hawes* wished to put in one word for the modern school of painting by our own countrymen. Their works, he believed, if wisely selected, might form a collection which would compare with any gallery that had ever existed.

Viscount *Mahon* suggested the propriety of procuring a collection of portraits of eminent men distinguished in the history of this country. Such a collection might exercise a most beneficial influence upon the rising generation, whilst it could be procured probably at little expense.

The Vote was agreed to.

On the Question that 3,340*l.* be granted for the Ecclesiastical Commission of England and Wales.

Mr. *Williams* opposed the Vote; for he thought it unjust to tax for any such purpose those who did not conform to the doctrines of the Established Church.

The *Chancellor of the Exchequer* said, that the Commission was appointed for the

purpose of distributing the funds that came into its possession in a manner that might provide for the better religious instruction of the community. As the object was a public one, the State paid the expenses of the Commission.

Dr. *Bowring* expressed his concurrence in the objection taken by the hon. Member for Coventry.

Mr. *Liddell* observed, that it was just that the State should defray the expenses of the Commission, as the whole community benefited by its labours.

Mr. *Redington* thought that the expenses of the Commission should be paid out of the funds in the hands of the Commissioners, before they applied any money to the increase of endowments.

The Committee divided:—Ayes 61; Noes 19: Majority 42.

List of the AYES.

Acland, Sir T. D.	Hamilton, W. J.
Acton, Col.	Henley, J. W.
Baring, rt. hon. F. T.	Herbert, rt. hon. S.
Barrington, Visct.	Hotham, Lord
Boldero, H. G.	Houldsworth, T.
Bowles, Adm.	Liddell, hon. H. T.
Boyd, J.	Lincoln, Earl of
Broadwood, H.	Mackenzie, W. F.
Bruce, Lord E.	Mackinnon, W. A.
Cardwell, E.	McNeill, D.
Clayton, R. R.	Martin, C. W.
Clerk, rt. hon. Sir G.	Masterman, J.
Clifton, J. T.	Nicholl, rt. hon. J.
Cockburn, rt. hn. Sir G.	Parker, J.
Copeland, Ald.	Peel, rt. hon. Sir R.
Corry, rt. hon. H.	Peel, J.
Cripps, W.	Plumptre, J. P.
Davies, D. A. S.	Protheroe, E.
Deedes, W.	Scott, hon. F.
Denison, E. B.	Sheridan, R. B.
Dickinson, F. H.	Smith, rt. hn. T. B. C.
Egerton, Sir P.	Spooner, R.
Fitzroy, hon. H.	Stansfield, W. R. C.
Flower, Sir J.	Stuart, H.
Fremantle, rt. hn. Sir T.	Sutton, hon. H. M.
Gaskell, J. M.	Tollemache, J.
Gladstone, Capt.	Trench, Sir F. W.
Godson, R.	Trevor, hon. G. R.
Gordon, hon. Capt.	Wellesley, Lord C.
Goulburn, rt. hon. H.	TELLERS.
Graham, rt. hn. Sir J.	Baring, H.
Grogan, E.	Lennox, Lord A.

List of the NOES.

Anson, hon. Col.	Hawes, B.
Brotherton, J.	Hindley, C.
Collett, J.	Martin, J.
Crawford, W. S.	Morris, D.
Duncan, G.	Muntz, G. F.
Duncannon, Visct.	Redington, T. N.
Ferguson, Sir R. A.	Ricardo, J. L.
Gibson, T. M.	Somerville, Sir W. M.
Villiers, hon. C.	TELLERS.
Warburton, H.	Williams, W.
Wawn, J. T.	Bowring, Dr.

Vote agreed to.

The next Vote was, that 52,770*l.* be granted to defray the charge of Salaries and Expenses of the Poor Law Commissioners in England and Wales, and in Ireland.

Mr. *Redington* said, it was well worth while that the House should know how the Poor Laws had operated in Ireland. In many parts of that country they had not operated as had been anticipated. Inquiry into the operation of the law, and the manner in which the Assistant-Commissioners had performed their duties, was extremely desirable. He was not one of those who were entirely opposed to a Poor Law; but all the facts attending the working of the system should induce the Government to institute a proper investigation.

Sir *J. Graham* said, that considering the peculiar circumstances of society in Ireland, which at first rendered the application of a Poor Law to that country a doubtful experiment; and remembering that in many respects the law framed for Ireland differed from the English law; not conferring, for example, any right to relief, even in circumstances of extreme destitution, and exhibiting the absence of any law of settlement, he did not think that inquiry into the operation of the system hitherto would be altogether inexpedient. The ultimate success of the measure must mainly depend on the co-operation of the resident gentry of Ireland. There were great difficulties to be overcome, and there was much opposition to be met, both as regarded the payment of the rate, and the general administration of the law. In a future Session he should by no means be disposed to resist inquiry; but he could assure the hon. Gentleman that the Commissioners relied chiefly on the co-operation of the gentry for the success of the measure, and infinitely preferred such co-operation to the exercise of the powers with which they were invested.

Sir *R. Ferguson* said, the complaint was that the Commissioners did not perform their duties so as to give general satisfaction; and he hoped that in the next Session a thorough investigation into the whole matter would take place.

Mr. *Redington* thought the inquiry ought to originate with the Government.

Sir *J. Graham* said, the Government had sufficient information for the execution of its duty; this was the first time this

Session he had heard any Irish Member express a wish for an inquiry; but if it should be made next Session, the Government would not have the least objection to it.

Mr. *Redington* said, the Government might have sufficient information; but it was from the very parties of whom they complained. They wished for the inquiry, that the House might be informed on what was the state and operation of the law. The Irish Members at present believed themselves to be better acquainted with the state of the question in that country than the Government; the Government having sufficient information for itself, had never made a reply to a request by an English Member for an inquiry into the English Poor Law: and if any inferences should be drawn by others from it, it was not the Irish Members who would be responsible for it.

Vote agreed to.

The House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Monday, June 30, 1845.

MINUTES.] BILLS. *Public.*—1ª. Jurors (Ireland); Arrestment of Wages (Scotland); Assessed Taxes Composition; Timber Ships; Administration of Criminal Justice (Lord Denman).

2ª. Banking (Ireland); Real Property Conveyance (No. 2); West India Islands Relief.

Reported.—Sir Henry Pottinger's Annuity; Granting of Leases; Outstanding Terms; Bishops' Patronage (Ireland).

3ª. and passed:—Banking (Scotland); Charitable Trusts; Ecclesiastical Courts Consolidation; Oaths Dispensation (No. 2).

Received the Royal Assent.—Indemnity; Military Savings Banks; Privy Council Appellate Jurisdiction Act Amendment; Maynooth College (Ireland); Calico Print Works; Canal Companies Tolls; Fresh Water Fishing (Scotland); Heritable Securities (Scotland).

Private.—1ª. Edinburgh and Northern Railway; Scottish Midland Junction Railway; Shepley Lane Head and Barnsley Road; Middlesbro' and Redcar Railway; Wakefield, Pontefract, and Goole Railway; Wear Valley Railway; Cockermouth and Workington Railway; Preston and Wyre Railway; Glossop Gas; Saint Helen's Improvement.

2ª. Sheffield Waterworks; Westminster Improvement; Falmouth Harbour; Taw Vale Railway and Dock; North Wales Railway; Follett's (or Molyneux's) Estate.

Reported.—Hartlepool Pier and Port; Lancaster and Carlisle Railway; Bridgewater Navigation and Railway; Edinburgh and Glasgow Railway; Waterford and Kilkenny Railway; Newcastle and Darlington (Brandling Junction) Railway; Manchester and Birmingham Railway (Ashton Branch); Lynn and Dereham Railway; London and Brighton Railway (Horsham Branch); Londonderry and Enniskillen Railway; North Wales Mineral Railway; Chester and Birkenhead Railway Extension; Cornwall Railway; Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Railway; Ulster Railway Extension; Manchester, South Junction, and Altrincham, Railway; Chelsea Improvement; Bristol and Exeter Railway Branches; Dublin and Drogheda Railway.

3ª. and passed:—Ellison's Estate; Exeter and Crediton Railway; Wolverhampton Waterworks; Sheffield and Rotherham Railway.

Received the Royal Assent.—Middlesex County Rates; Crediton Small Debts; Battersea Poor; Clerkenwell Improvement; Chester Improvement; Claughton-cum-Grange (St. Andrew's) Church; Claughton-cum-Grange (St. John the Baptist's) Church; Cromer (Norfolk) Protection from the Sea; Chester and Holyhead Railway; York and Scarborough Railway Deviation; Blackburn, Burnley, Accrington, and Colne Extension Railway; Leeds, Dewsbury, and Manchester Railway; Dunstable and Birmingham and London Railway: Leeds and Bradford Railway Extension (Shipley to Colne); Huddersfield and Sheffield Junction Railway; Berks and Hants Railway; Yarmouth and Norwich Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Bedford and London Railway; Blackburn, Darwen, and Bolton Railway; Lowestoft Railway and Harbour; Monkland and Kirkintilloch Railway; Newcastle-upon-Tyne (Tynemouth Extension) Railway; Ely and Huntingdon Railway; Midland Railways (Nottingham to Lincoln); Great Grimsby and Sheffield Junction Railway; Hull and Selby Railway (Bridlington Branch); Kendal and Windermere Railway; Brighton, Lewes, and Hastings Railway (Keymer Branch); Wilts, Somerset, and Weymouth, Railway; Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Lynn and Ely Railway; Midland Railways (Syston to Peterborough); Glasgow, Garnkirk, and Coatbridge Railway; Whitby and Pickering Railway; York and North Midland Railway (Bridlington Branch); Newcastle-upon-Tyne Port; Boddam Harbour; Southampton Docks; Birkenhead Company's Docks; Castle Hill (Wexford) Docks; Hungerford and Lambeth Suspension Bridge; Clifton Bridge; Stoke-upon-Trent Market; Glasgow Markets; Pudsey Gas; Devonport Gas; Plymouth and Stonehouse Gas; Paisley Gas; Birmingham and Staffordshire Gas Light Company; Taunton Gas; Scarborough Water; Southwark and Vauxhall Water Company; Huddersfield Waterworks; Nottingham Waterworks; Whittle Dean Waterworks; Shaw's Waterworks; Royal Naval School; Newcastle-upon-Tyne Coal Turn; Hemel Hempstead Small Tenements; Standard Life Assurance Company; Edinburgh Life Assurance Company; North British Insurance Company; West of London and Westminster Cemetery; Watermen's Company Endowment; Stokinchurch Road; Duke of Argyll's Estate; Molyneux's Estate; Lord Barrington's Estate; Leicester Freemen's Allotments; Nottingham Inclosure; Spoad Inclosure.

PETITIONS PRESENTED From Mercers' Company of City of London, and from Society of Friends in Great Britain and Ireland, for Exempting certain Charities from the Charitable Trusts Bill.—From Master, Wardens, and others of the Merchant Tailors of the Fraternity of Saint John the Baptist, London, to be heard by Counsel against the Charitable Trusts Bill.—By Marquess of Normanby, from Metropolitan Members of the Faculties of Surgery and Medicine, in favour of Sanatory Regulations.—From Mayor and others of Cork, for Alteration of Law relating to Corporations (Ireland).—By Bishop of Durham, from Archdeacon and Clergy of Lindisfarne, against certain Clause in Marriage Law Amendment Bill.

BANKING (SCOTLAND) BILL.] The Earl of *Ripon* moved the Third Reading of the Banking (Scotland) Bill,

Objected to: and after a short discussion (in which the Earl of *Radnor*, the Duke of *Richmond*, and the Earl of *Rosebery* took part against the Bill), on Question, That "now" stand part of the Motion, House divided:—Content 47; Not-content 15: Majority 32.

Resolved in the *Affirmative:* Bill read 3ª. accordingly and *passed.*

The following Protest against the Third Reading of the Banking (Scotland) Bill was entered on the Journals.

"I. Because I can see no possible benefit likely to result from this Bill, and none has been stated in debate, except in the event of such an emergency as has never yet occurred, which, in my opinion, it is rather calculated to occasion, and which it supplies no new means of meeting.

"II. Because it will at once check, and ultimately put an end to, that competition which has heretofore existed amongst the banks of Scotland, and which has rendered banking remarkable for cheapness, efficiency, and safety, and highly beneficial to all the interests in that country.

"III. Because, though I consider the evils hence resulting quite certain, they will not be considered so palpable as to invite or suggest a repeal of this law. They will not exhibit themselves by any calamity, or produce any immediate distress, but they will silently prevent that advance to prosperity which might otherwise have been attained. If similar provisions had been enacted twenty years ago, it is evident that Scotland would not have enjoyed the advantages which are universally admitted to have resulted from its banking system; but no one would have known that but for those enactments it would have been more prosperous; in like manner, hereafter, as no one will be able to say what would have been the state of the country if this Bill had not passed, so no one will be able to trace the amount of evil which it will have produced, or of good which it will have prevented.

"For the first reason,

"ROSEBERY."

CHARITABLE TRUSTS BILL.] The *Lord Chancellor* moved the Third Reading of this Bill.

Lord *Cottenham* objected to some of its details, on the ground that they gave to the Commissioners more power than the Lord Chancellor had ever possessed. He approved altogether of the object of the Bill; but he wholly disapproved of its machinery.

Bill read 3ª; Amendments made; Bill *passed.*

The Marquess of *Normanby* presented a petition from the Medical Practitioners of the Metropolis, praying for the adoption of Sanatory Regulations in populous Districts. The noble Marquess complained that the Government had not fulfilled the pledge that had been given respecting the introduction of some measure of this description.

The Duke of *Buccleuch* said, that his noble Friend (the Earl of Lincoln) would have introduced the measure referred to by him for the purpose of making some sanatory regulations in large cities and towns, had not the great pressure of other business interfered and prevented him.

The Marquess of *Normanby* observed, that the noble Duke's statement proved the necessity that existed for some fresh arrangement being made in regard to the measures deemed necessary to be carried through Parliament by the Government. Had the Sanatory Bill been introduced in that House early in the Session, it would now have been ready for the proceedings in the Lower House.

Petition read, and ordered to lie on the Table.

RAILWAYS.] Lord *Campbell* asked the noble Earl at the head of the Board of Trade whether, according to the existing law, the practice of one railway company buying up other projected railways could be prevented; and if not, whether it was the intention of Government to introduce any measure to put a stop to that practice?

The Earl of *Dalhousie* said, that no doubt could be entertained of the fact that projected lines of railway were bought up by existing companies. The advantages of amalgamation were sometimes very great; and sometimes the transaction was detrimental to the public interest. The Legislature, however, closely investigated all such transactions when the Bills came before the Houses of Parliament. As to the state of the existing law, the Board of Trade certainly had the power, under the Act of 1844, to interfere in such transactions in any case in which they thought that the interests of the public would be affected injuriously. He had submitted the case to the Law Officers of the Crown, whose opinion was, that such purchases were not legal. Notices were accordingly given to the railway companies, who would have to meet the case against them. He believed the law was sufficient to reach them; but if not, the Government would make it a duty to put the law into such a state as to stop the abuses complained of.

RAILWAY CLAUSES CONSOLIDATION (SCOTLAND) BILL (No. 2).] The Earl of *Dalhousie* informed their Lordships that in the conference which their Lord-

ships' House had with the Commons in respect of the clause granting compensation in the Railway Clauses Consolidation (Scotland) Bill, the latter had rejected that clause. But as the Bill was of so much importance to the public, he should not advise their Lordships to reject it for that reason, especially as there was still a power of obtaining compensation by the parties who should be injured. The noble Marquess concluded by moving that their Lordships should not insist on those Amendments in the Bill which had been disagreed to by the Commons' House of Parliament.

The Duke of *Richmond* said, that the Bill had originally come up from the Commons with the clauses objected to inserted, and their Lordships had sanctioned its introduction with these clauses. The Bill, however, was subsequently withdrawn, and a new measure introduced without them. He was of opinion that the adoption of such a course was an interference with the privileges of their Lordships' House; for the clauses struck out might be the very ground of their assent to the measure. The noble Duke then complained that the Turnpike Trusts (Scotland) Bill had not received that discussion it ought to have received in the House of Commons. The effect of it would be, that if the Bill passed, the man who had lent money on the security of the tolls would be cheated. There was a difference in this respect between England and Scotland. Here the noble Duke quoted a clause in the Scotch Turnpike Act, authorizing landholders to borrow money on the security of their estates, and binding their heirs of entail. This was not the case with the turnpike trusts of England; and, therefore, he thought a distinction ought to be made in the Railway Bills of the two countries. He regretted the public inconvenience which would result if this Bill were thrown out; but, at the same time, he thought that their Lordships ought to protect and guard the interests of those who, on the faith of the Act of Parliament, had lent their money on the road trusts. If they agreed to this proposition of the Commons, it would be drawn into a precedent, which which might hereafter be found to be extremely dangerous.

Lord *Kinnaird* agreed with the noble Duke that the conduct of the Commons with regard to this clause was extraordinary; but he thought a few words would account for it. It was through an error in the House that the Bill was passed with that clause. It was only introduced at the third reading, and it was never printed; so that the House of Commons was taken by surprise, and on those grounds they afterwards opposed it. He agreed that the effect of the rejection of this clause would be to throw a heavy debt upon the landlords in Scotland; but, then, it ought to be remembered that the making of these roads had very considerably benefited their estates, which had risen in value in consequence. Then, he could not understand why the holders of the land ought to be protected, when no protection was proposed to be afforded to widows and others, who had lent small sums of money, being probably all they had, on the faith of the Acts which were already passed. He could not conceive any difference in principle between the two cases.

The Duke of *Montrose* would have supposed that the noble Lord who had just sat down was an Englishman and not a Scotchman; for he had shown that he was ignorant of the distinction in the Scotch cases to which the noble Duke (Richmond) had before adverted. In England persons who lent their money to a turnpike trust came upon the county; but in Scotland the trustees were personally bound to those from whom they borrowed money; and therefore compensation was due to the trustees, and not to those who lent them the money, who had a claim upon the trustees. He saw no reason for the clause being rejected. The Railway Companies had agreed to it as well as the landowners; and the Bill was altogether unopposed, so that there was no reason for rejecting it.

Lord *Campbell* agreed with the view taken by the noble Duke. The parties had agreed to the clause, and it was founded in justice. At the same time, if they agreed not to insert the clause, they would have it in their power to do substantial justice, as it might be inserted in each particular Bill which came before their Lordships.

The Earl of *Dalhousie* said, that if they rejected the clause the Bill would be lost, and they would be as far as ever from getting compensation to the parties referred to. The proper course would be, not to lose an important Bill by rejecting this clause, but to insert it, as the noble

and learned Lord had suggested, in each particular Bill. He hoped, therefore, the noble Duke would not persist in his Motion.

The Duke of *Richmond* had made no Motion, he had only thrown out a suggestion, which he would not press against the wish of their Lordships.

Lord *Brougham* thought it was much better not to insert this clause in the general Act. It would be much better in each particular Railway Bill.

It was then *moved* not to insist on the said Amendment. On Question: *Resolved* in the *Affirmative*.

House adjourned.

HOUSE OF COMMONS,

Monday, June 30, 1845.

MINUTES.] NEW WRIT. For Abingdon, v. Sir Frederick Thesiger, Attorney General.

BILLS. *Public.*—1°. Valuation (Ireland).

2°. Foreign Lotteries.

Reported.—Merchant Seamen's Fund; Merchant Seamen.

3°. and passed:—Statute Labour (Scotland); Dog Stealing.

Private—1°. Rothwell Prison; White's Charity Estate; Yoker Road (No. 2).

Reported.—Birmingham and Gloucester Railway (Worcester Branch, and Cheltenham Extensions); Glasgow, Barrhead, and Neilston Direct Railway; London and Brighton Railway (Wandsworth Branch); Black Sluice Drainage and Navigation; St. Matthew, Bethnal Green, Rectory (re-committed).

3°. and passed:—Wear Valley Railway; Middlesbro' and Redcar Railway; Cockermouth and Workington Railway; Edinburgh and Northern Railway (No. 2); Preston and Wyre Railway Branches; Wakefield, Pontefract, and Goole Railway; Scottish Midland Junction Railway; Shepley Lane Head and Barnsley Road.

PETITIONS PRESENTED. By Mr. M. O'Connell, from Poor Law Guardians of Scariff Union, for Repeal of Union with England.—By Mr. Shaw, from Drung, for Encouragement to Schools in connexion with Church Education Society.—By Mr. Fox Maule, from Perth, and several other places, for Better Observance of the Lord's Day.—By Mr. J. O'Connell, from Clogher, in favour of Roman Catholic Relief Bill.—By Mr. Lockhart, and Mr. Smollett, from Glasgow, and Dunblane, against Universities (Scotland) Bill.—By Mr. Hume, Mr. Fox Maule, and W. Morrison, from several places, in favour of Universities (Scotland) Bill.—By Mr. O'Connell, from Bankers and others of Leeds, for Enforcing Observance of Treaty with Buenos Ayres.—By Mr. T. Duncombe, from Factory Workers of Messrs. Cowper, Maitland, and Co., St. Rollox, Glasgow, in favour of Arrestment of Wages (Scotland) Bill.—By Mr. S. O'Brien, and Mr. J. O'Connell, from Ballylaneen, and a great number of other places, against Colleges (Ireland) Bill.—By Mr. T. Duncombe, and Mr. Smollett, from Huddersfield, and several other places, in favour of the Ten Hours System in Factories.—By Mr. Vernon, from Merchants and Traders of Nottingham, for Repeal or Alteration of Insolvent Debtors Act.—From the Proprietors of Gateshead Fell Lunatic Asylum, against Lunatic Asylums and Pauper Lunatics Bill.—By Mr. Bradshaw, and Mr. F. Maule, from several places, against Parochial Settlement Bill.—By Mr. T. Duncombe, from David Peat, of Glasgow, for Redress.—By Mr. Broadwood, Mr. J. O'Connell, and Mr. Osborne, from several places, for Alteration of Physic and Surgery Bill.—By Mr. H. Berkeley, and Mr. Hutt, from several places, for Postponement of Physic and Surgery Bill.—By Mr. Colquhoun, Mr. Hastie, and Mr. F. Maule, from several places, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Hawes, and Mr. Liddell, from several places, for Diminishing Number of Public Houses.—By Mr. Forman, from Bridgewater, for Abolition of Punishment of Death.—By Sir G. Clerk, from Devonport, and East Stonehouse, for Inquiry (Royal College of Surgeons).—By Mr. Entwisle, from Inhabitants of Withington, for Alteration of Law relating to the Sale of Beer.—By Mr. J. Wortley, from Presbytery of Dunooon, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Mackinnon, from Inhabitants of Birmingham, in favour of the Smoke Prohibition Bill.

DREDGING FOR OYSTERS.] Sir *Charles Lemon* asked the Vice-President of the Board of Trade whether it was the intention of the Government to bring forward, with a view to its enactment in the present Session, a Bill to prevent excessive dredging for oysters during the breeding season, by which practice, as had been abundantly proved, the oyster beds were often seriously injured, and might be entirely destroyed?

Sir *G. Clerk* said, it was not the intention of the Government to bring in any Bill on the subject at present. It was a matter of considerable importance, affecting the present and future supply of oysters, and it was well known that the practice which the hon. Baronet complained of prevailed. It was a question, however, whether the preventing the removal of oysters to other beds, where they increased in size, would not be prejudicial to the trade. On the whole, it was a subject worthy the consideration of the Government; and the hon. Baronet might be sure that attention would be given to it.

AGRARIAN OUTRAGES (IRELAND.)] Sir *James Graham* having moved the Order of the Day for the House to go into Committee on the Colleges (Ireland) Bill,

Sir *E. Hayes* rose, pursuant to notice, to ask the Secretary of State for the Home Department what course the Government intended to pursue with reference to the system of outrage, intimidation, and murder now prevailing in some of the counties in Ireland. He wished to know whether the Government were under a conviction that the powers which the Executive now possessed were sufficient to put down the system of which he complained, and which had been allowed to go on for a considerable time in a large portion of that country, creating fear, dismay, and, he might almost add, despair in the hearts of the peaceable inhabitants. If any power existed which had not been exercised, he should

like to know what it was. He should also be glad to know whether, if the existing powers of the Executive were insufficient, the Government were prepared to ask for such further powers as would strengthen their hands to meet the present exigency, which he was happy to say did not arise either from political or religious differences?

Mr. *B. Osborne* thought it would be as well, before the right hon. Gentleman answered the question which had just been put to him, for the hon. Gentleman to state the particular parts of Ireland to which he referred. It would otherwise be unfair that such a statement should go forth to the public.

Sir *E. Hayes* said, that he of course alluded to those parts of Ireland in which it was well known that frightful scenes had lately been enacted.

Sir *J. Graham* said, the Government had viewed with the deepest anxiety and regret the spirit of insubordination and crime which existed in certain portions of Ireland—in Leitrim, Cavan, and adjacent counties. Every effort had been made, and would continue to be made, by the Government, according to law, to repress those outrages. A large increase to the military and police force had already been made, and placed at the disposal of the local authorities, in aid of the civil power. His hon. Friend was correct in stating that neither politics nor religion had had anything to do with this unhappy state of affairs. On the contrary, he had been assured that on Wednesday next, in the county of Cavan, there would be a county meeting of the laity and clergy, without distinction of political parties or religious sects, for the purpose of considering the best means to be adopted for repressing the outrages complained of according to law. He hoped that every effort would be made to put an end to this unhappy state of affairs. As yet, he did not despair that the existing law, aided by the united effort to which he had referred, would be sufficient for checking the evil. It was the resolution of the Government to exhaust every means now in their power for obtaining that end; and at present he was not prepared to announce any other intention on the part of the Government.

Mr. *Ross* wished to take that opportunity of denying the truth of a statement which had been made, to the effect that the Professor of Greek in the Belfast Institution had taken advantage of the position which he occupied in order to inculcate Arian doctrines.

COLLEGES (IRELAND).] Order of the Day read. On the Question that the Speaker do leave the Chair,

Mr. *W. Smith O'Brien* said, if he had thought there would have been any chance of success, he should have been prepared to submit a series of Resolutions before the Speaker left the chair; but he was so convinced that his labour would have been in vain, that he should best consult the convenience of the House by taking that opportunity of stating generally his objection to the Bill then under consideration. Ireland had presented a picture of misery which had no parallel in this or any other country, and yet another Session was permitted to pass without any effort for improving the material condition of the Irish people. He was not on that account, however, disposed to overlook the importance of providing for their mental improvement. He tendered the Government his sincere thanks for the progress which they had already made in this matter; but when it was said that 400,000 children had been provided with the means of education by the national schools, it must be remembered that there were from 1,020,000 to 1,050,000 who ought to be at school. With reference to the proposed Bill, his great complaint was, that there was no provision for religious education; and the Irish were essentially a religious people. A memorial from the Catholic prelates stated that they thought there ought to be a chaplain, with a suitable salary, in each of the Colleges, who should be recommended by the Roman Catholic bishop of the diocese, and should be removable by him. The Government were afraid to concede this point, inasmuch as they would have to encounter the outcry of the million and a half who had petitioned against Maynooth. The prelates also demanded for all Roman Catholic students protection from interference with their religious opinions; and it was natural that they should make such a demand, as there was not one Roman Catholic connected with any superior department of the Government in Ireland. The proportion of Catholics in the districts where the Colleges were to be established, as compared with Protestants, was nearly ten to one. The Roman Catholic prelates demanded that Roman Catholic tutors should be provided for instruction in history, logic, metaphysics, moral philosophy, geology,

and anatomy. History, it was well known, was generally tinged with the views of those who wrote it. The whole system of moral philosophy was constructed under the Roman Catholic system upon entirely a different basis, and it was therefore not unnatural that the Roman Catholic hierarchy should include moral philosophy. As to anatomy and geology, he did not see what difference should arise between Catholics and Protestants; but at the same time it was quite right that both should be secured from infidel views; and therefore he was prepared to give his full support to the memorial of the Catholic prelates. He did not mean to attribute improper motives to the Government; but if the measure had been framed expressly for party purposes, it could not have been more effectually moulded for such an object than it was. Could there be a doubt but that when a vacancy might occur in any of the professorships of these Colleges, the Government of the day would find a large number of its supporters in Parliament pressing upon it the claim of some candidate for the vacancy, who would perhaps be found to be more distinguished for his political tone, than for scientific or literary acquirements? The right hon. Baronet told them, indeed, that he reserved to Parliament the power of considering the question of the appointment of professors at the end of three years. That was said to be a great concession; but it was obvious that the Parliament had the same power in the matter in 1845 as it would have in 1848; but as the Bill provided that if Parliament failed to provide any mode of appointment to the professorships, the appointments would remain with the Government, it was only necessary for the Government not to bring forward any measure on the subject to ensure the continuance of the power in their own hands. The question of the best mode of appointing the professors in the first instance, was a subject of discussion; but of all the various modes suggested, that contained in the Bill was, he thought, decidedly the worst. The course which he would wish to recommend was, that a number of eminent men—a majority of whom, he would say, ought to be Roman Catholics—should be named in the Bill as a board, empowered to recommend to the Government the persons who ought to be appointed to the professorships. He confessed he was himself favourable to the principle of open competition, as being essentially necessary to insure proper appointments. But with respect to future appointments, the suggestion of Dr. Brice, of Belfast, a gentleman of great experience and ability, ought not, he thought, to be lost sight of. It was, that the *Senatus Academicus*, subject to such control as would be necessary to prevent religious difficulties from arising, should have the power of recommending, after public examination, those who should be appointed to the professorships. The right hon. Baronet held out some promises that visitors would be appointed to the Colleges, who would give satisfaction to the majority of the people of Ireland; but if such were the intention of Government, he could not understand why the visitors, for the functionaries who would *ex-officio* be visitors, should not be named in the Bill. Supposing, for instance, it were desirable that the Roman Catholic and Protestant archbishops of Dublin should be two of the visitors, why not insert a provision to that effect in the Bill? Unless they did so, there would be no security hereafter that the scruples of the people would be respected in this particular. Again, they had a promise that these Colleges would be constituted into a University; but why should not the framework of such University be provided in the Bill? He could not leave that portion of the subject without taking the opportunity of expressing his opinion, that there ought to be a measure brought forward by Her Majesty's Government for opening the fellowships and scholarships of Trinity College to Roman Catholics. He could not understand why the Roman Catholic gentry and merchants of Dublin should not have the same opportunity of giving a university education to their sons as their Protestant fellow citizens. The Roman Catholics did not desire to invade the quarter of the Dublin University which was required for providing ministers for the Established Church in Ireland. They were quite content that that portion of the College should be maintained as at present; but they, at the same time, demanded that the remaining fellowships should be open to them in common with persons of other persuasions. A proposition had been made as an alternative, in case the Legislature declined interfering with the existing fellowships, namely, that an endowment should be provided in Trinity College, by special grant, for founding new fellowships, which should be open to Roman Catholics as well as to individuals of other religious

belief. He had taken the liberty of offering these suggestions to the Cabinet and to the House, not for the purpose of making captious objections, but of stating what were his decided views on this subject. His impression was, that if the Bill passed in its present form, it would prove an utter failure; and he believed that to be the opinion of the great body of the Catholic community of Ireland. They should remember that the Catholic bishops of Ireland, who were unanimous on the subject of the present Bill, were viewed by the Roman Catholic population of Ireland with all the respect to which their piety and religion entitled them; that they enjoyed the perfect confidence—with perhaps a few individual exceptions—of the Irish people; and that their recommendation in respect to this Bill was, therefore, to be regarded as an expression of the opinion of the whole Roman Catholic community of Ireland on this subject. He should have hoped that the House and the Cabinet had had sufficient experience, in the cases of the Charter School and Kildare Place Society Schools, of the folly of attempting to establish any system of instruction among the Irish people in opposition to the views and feelings of their clergy. He warned them, therefore, against going in opposition to the Irish people on this subject. He had some experience of the manner in which that House legislated on Irish questions, without consulting the wishes of the Representatives of the Irish people. The advocates of the system of relief for the Irish poor, asked them for a poor-law of a particular kind, and they gave them one of a totally different character, and which the result showed to be totally unsuited to the wants of the country. Again, they had another instance of this species of legislation in the Irish Tenants' Compensation Bill introduced in the other House of Parliament by Lord Stanley, of which he did not hear a single person connected with Ireland express a word of approbation; and the Government were, he warned them, adopting a precisely similar course with regard to the present Bill.

Sir *J. Graham* had hoped, after the full and ample discussion that had taken place on the principle of the Bill, and after the explanations which he had found it necessary to give on the subject on former occasions, especially as the hon. Gentleman had expressed himself favourable to the general objects of the Bill—that they would have been permitted to go into Committee upon it without further debate, and be thus enabled to consider the details of the measure with a view to its amendment. He certainly did not anticipate that many of the alterations which were proposed, would be sustained by reasons sufficiently strong, to induce him to alter the arrangements as they now stood; but he certainly was not prepared to say, that he was predetermined not to consent to any alterations whatever. The hon. Member had made many remarks upon the various details of the measure; but many of the topics embraced in the hon. Member's speech were embodied in notices of Amendments which would be made *seriatim* when the House went into Committee upon the Bill. Among other points raised in the hon. Member's speech, which would thus be subsequently discussed, were the provisions of the Bill with respect to the appointment of visitors, and another which referred to the application of the endowments of Trinity College. He thought a discussion upon this measure might have been conducted without the introduction of such irrelevant topics as the question of the Irish Poor Law, or the Landlord and Tenant Bill, which was then before the other House of Parliament. On this account, therefore, he hoped the hon. Member would excuse his (Sir J. Graham's) not following the hon. Gentleman through all the points which were comprised in the speech he had just delivered. The hon. Gentleman had deprecated the designation of the measure "an act of conciliation." He had no hesitation in saying that this measure was not brought forward by Her Majesty's Government for any such purpose. It was not intended to effect any other object than the avowed one, which was the extension of the benefits of improved education to all classes in Ireland. The hon. Member had also charged the Government with the design of corrupting the minds of the youth of Ireland by this measure. But the hon. Member had admitted that a want of scientific information existed generally in Ireland; and he had also admitted that the measure which had been introduced by Her Majesty's Government was calculated to relieve this want. How, then, could it be said that this Bill would produce the evils the hon. Gentleman imputed to it? Its effect would be to disseminate knowledge; and he (Sir James Graham) had so great confidence in the spread of knowledge, as a means of preventing error, that he could conceive no

better guarantee that the mind of Ireland would not be corrupted by the Government, than the introduction of a measure such as that then before the House. The hon. Gentleman had said, that he rejoiced that the people of Ireland were a religious people. He felt happy also in being able to agree with the hon. Gentleman in the description he had given. He trusted also that they would continue so; and if he had thought that the present measure had any tendency to weaken that disposition, he would not have introduced it. Government had manifested their wish to preserve this national characteristic unimpaired, by the provision they had introduced for removing the professors, when they were found tampering with the religious creed of the students. It was totally incorrect to say, that religion was excluded by this measure. That was far from being the case. A precaution was, indeed, taken, that the religious opinions of the students should not be tampered with by those to whose care their secular education was entrusted. Government contemplated the foundation of halls, in which religious instruction would be imparted; and visitors would be appointed by the Government, in whom the people of Ireland would put confidence. But, as the principle of the Bill had been already discussed, he should only be wasting the time of the House if he were now to renew that debate He was ready to go into the details of the measure when the House went into Committee. It would then be open to those hon. Members who might approve of other provisions, to bring them forward. And if the Bill should come out of the Committee containing still the clauses to which they objected, they might then oppose it in another stage of its progress through the House. The hon. Gentleman had referred to the memorial which had been presented to the Lord Lieutenant by the Irish prelates against the Bill. Great alterations, however, had been introduced into its provision since that memorial was adopted; and although he felt disposed to pay every respect to the venerable individuals by whom that document was signed, he must nevertheless admit that he did not think it the duty of Parliament to resign to any ecclesiastical authority their discretion in a matter so proper to their functions as that of the secular education of the Irish people.

Mr. *O'Connell* said, he should not consider that he discharged his duty if he allowed the Bill to go into Committee without offering a few remarks to the House upon it. The right hon. Baronet was perfectly just in thinking that the House ought not to submit to the dictation of any parties, however respectable or venerable, but they should not forget, at the same time, that their object in legislating ought to be successful. What would their waste of money or their appointment of professors signify, if they afterwards failed in the object which they had in view? His opinion was that they would not succeed if they continued to proceed with the Bill, in opposition to the opinions and advice of the Catholic bishops. The right hon. Baronet had stated, that the Bill had been much altered since the Catholic prelates had expressed their opinion upon it; but he (Mr. O'Connell) believed he had authentic evidence that these alterations had made no change whatever in their views regarding the Bill. The following was a letter which he had received within the last few days on the subject: —

"*Maynooth College, June* 26, 1845.

"My dear Mr. O'Connell—I beg to acknowledge the receipt of your kind and respected communication. Though my reply has been somewhat tardy, it is most consolatory to me to be able to convey to you, that the sentiments of the bishops relative to the dangers to faith and morals with which the Collegiate Education Bill is fraught, remain unaltered. It has been reprobated in such terms as became the divinely constituted guardians of the faith and morality of their respective flocks to apply to it. However, though some of the prelates were of opinion that a petition to Parliament, framed on the model of the memorial to the Lord Lieutenant, would aid much in averting the threatened calamity; others thought it not right to encounter once more contemptuous disregard of the just requisitions of the Catholic prelates of Ireland.

"You can, however, with a confidence fearless of contradiction, state, that the Resolutions of the bishops regarding this bad scheme of academic education remain in full force, and that no Ministry can ever hope to render tolerable to the Catholic people of Ireland so penal and revolting an enactment.

"You have full liberty to make any use you may think proper of this communication. Wishing you and your faithful adherents all your wonted energy and success in combating this Anti-Catholic measure, I remain, my dear Mr. O'Connell, your very respectful and devoted,

"✠ John Mac Hale.

"Daniel O'Connell, Esq., M.P., London."

That was the opinion regarding the measure of the archbishop of Tuam. It

showed that he still considered the Bill to be one which would hold out temptations to youth to neglect the duty which they owed to the principles of their religion; and though describing it as a "penal and revolting enactment," might be considered in that House as too strong a condemnation of the measure, it was in itself evidence of the feelings which were entertained in Ireland respecting it. The object of the Government in introducing the Bill was to be successful; but they could not expect success if they met with the decided opposition of the clergy of two-thirds of the Irish people—of that portion, too, of the people who required additional facilities for education most, and to whom, if properly administered, it would prove most valuable. His objection to the Bill was, that it was an irreligious one—that it provided no means of instruction in religion—and in this point he did not think it had been improved by the alterations that had been made in it, since, in its first introduction originally, it left religion out of the question altogether. The principal object of human life was in it totally disregarded. They now came forward with a Bill in which they condescended to tolerate religion. They were kind enough to permit religion to be taught, but that was all. Now, he did not really think that to be any great concession. If the Catholic people of Ireland thought fit to erect a hall in a town in which one of these Colleges was situated, the Government would allow of its existence. But what law was now in force that could prevent the Catholics from founding such an establishment? They did not open any law or confer any benefit not already enjoyed by this Bill; but they made—to use the words of the archbishop of Tuam—a penal enactment. They gave dictatorial powers to their visitors over these halls, while they did nothing towards the founding of them. In a recent case heard before Lord Chancellor Sugden, it was decided that there is no law in existence limiting the power of establishing female convents and places of education for the Catholic people of Ireland. The Legislature, therefore, in passing this measure, did nothing affirmatively, but they did something negatively. They would thus, by their proceeding, which he had no doubt was well-intentioned, excite jealousies and religious animosities amongst all classes in Ireland. They had already the animating distinction in existence in that country. They had that "darkness," to use the term employed by the right hon. Baronet, in which error and bad feeling might be most easily propagated; but they refused to remove it by giving the genuine light of religious education to the people—of religious education to Protestants—religious education to Catholics—religious education to Presbyterians. They would promote the charity of the common Christianity of all by giving such religious education; whereas by turning religion out of their Colleges, or making its existence in them merely permissive, they held back from the children the advantages of Christian truth—leaving matters in their original darkness, and instead of advancing their own views, on the contrary defeated them. Then again it should be recollected that the Protestants of Ireland were the most wealthy class; and if the Bill merely gave permission to build halls, was it not probable that three, four, or five Protestant halls would be erected for one Catholic hall? If they wished, instead of allowing wealth to triumph over religious poverty, they should take the subject of providing for religious instruction into their own hands, and thus place all religious persuasions on a footing of perfect equality. It was not his intention, however, to divide the House at that stage of the Bill. He would find it to be his duty to press for a division on one of the early clauses, and having done so, he would consider that he had performed his duty against it. He would do so, not with any hope of success, but in order to protest against its provisions—to protest against it for giving merely a kind of left-handed permission, but no real assistance whatever to the best and most important branch of education—the religious education of the Irish people.

Lord *J. Russell* said, that various Amendments had been proposed or suggested in the progress of the measure; but certainly the subject to which the hon. and learned Member for Cork had alluded was one that ought not to be overlooked. He considered that matter to be of the greatest importance, especially after they had the authority of a Roman Catholic archbishop for calling the measure as it now stood a penal and revolting enactment. These were certainly strong phrases, which might perhaps not have been used by all the members of that body; but it should not be forgotten that the Bill was described as being dangerous to the faith and morals of youth, and that these words had

been adopted generally by the Roman Catholic prelates. [Mr. *O'Connell:* Adopted unanimously.] He very much feared that unless they made the Bill more acceptable to the Roman Catholic bishops, they could not hope to be successful. He would wish to propose Amendments, or to aid in carrying the Amendments of others; but if, after these Amendments had been adopted or rejected, the Bill on coming out of Committee was still found to receive the stigma of the Roman Catholics of Ireland, he was of opinion that it would be better really not to send it to Ireland at all. At another time, or with different views, such a measure might be found more useful, and made to work well; whereas at present it might be found actually injurious. There was one part of the Bill especially which he would wish to see amended, namely, the provision for retaining in the hands of the Government the appointment of the professors; for if the Government appointed men opposed to the popular feelings of the country, it would quite negative the object which they had in view. He would not say more at the present stage of the Bill.

House in Committee.

On the 1st Clause being read,

Lord *J. Russell* said, he had an Amendment to propose in the seventeenth line, to the effect that these words be inserted, "including the building of the halls hereinafter mentioned." He had also to move the omission of the words "not exceeding the sum of 33,333*l.* 6*s.* 8*d.* for each such College" from the eighteenth line. He considered the omission of these words necessary, because it might be found advisable to expend a larger proportion of the 100,000*l.* in the erection of one College than of another.

Sir *J. Graham* said, he could not consent to the proposal of the noble Lord, as he thought it to be decidedly at variance with the principle of the Bill.

Mr. *Wyse* thought that the adoption of the Amendment would greatly facilitate the success of the measure, and at the same time would not alter the principle of it.

Sir *R. Peel:* The scheme originally proposed by the hon. Member for Waterford was to make the contributions of Government for religious instruction greatly dependent upon local assistance. The hon. Gentleman took, as the very basis of all such aid upon the part of the Government, the contributions which were to be raised by the grand juries and others upon whom the obligation of rendering that assistance was placed. We have gone beyond the hon. Gentleman. We have proposed that the whole sum of 100,000*l.* should come from the public fund, without having regard to any contribution such as that referred to by the hon. Member's plan. We propose, however, to expend that sum upon buildings which we desire should be erected of a character worthy of the purposes for which they will be raised. The money appropriated to each College we propose to expend upon the erection of a House for the Principal, for lecture rooms, and other buildings. Whatever amount is appropriated to the building of halls must necessarily, therefore, diminish in the same proportion the funds proposed to be allotted to the purposes I have just enumerated. In carrying into effect this design, we have called for no local contributions; the entire sum we have provided from the public funds. We are fully alive to the importance of uniting religious education with secular; but we do consider that it is better that Government should confine its assistance to the latter, and, with respect to the former, rely upon the aid of those parties in Ireland who are interested in rendering that assistance. I do hope that these parties will render their aid. Such is the principle of the Bill, and the more we deviate from it, the more I do believe we are likely to be entangled. Now, supposing Government were to erect these halls, with whom would the control rest? One chief advantage from the plan we have adopted is, that it will vest that control in the individuals furnishing the endowments. With regard to the design of Government, I think we may refer to the way in which we have acted, as well in reference to the Irish Bequests Act, as also in regard to this Maynooth Endowment Bill. It surely is but reasonable to expect that a suitable provision will be made for religious instruction by the large bodies of Protestants and Roman Catholics in Ireland. We are willing to advance the original sum. If I were a Roman Catholic, I would rather keep the religious education of these halls under the control of their founders, than ask the Government to assist them by money. Upon these grounds I am induced to prefer the original principle of the Bill to that now recommended by the noble Lord.

Mr. *V. Smith* supported the Amendment of his noble Friend. The professo-

rial system which they were about to establish would not answer in Ireland. It scarcely succeeded in the English Universities, where the degrees were not taken by gentlemen until the students were of an age from twenty to twenty-two; but these Irish Colleges were intended for the middle classes. [Sir *J. Graham:* Not exclusively.] Not perhaps exclusively, but principally; and for the boys of that class, who would leave the Colleges at seventeen or eighteen, the professorial system was not at all suited. The right hon. Baronet had opposed the Motion of his noble Friend upon the ground that he would not interfere with these halls; but by the 17th Clause it would be seen that the Bill already interfered with them. He begged to support the Motion of his noble Friend.

Mr. *Shaw* said, he saw that the noble Lord (Lord J. Russell) had notice of another Amendment to Clause 12—the Endowment clause—proposing to add the word "chaplains" before the other officers endowed by that clause, that seemed to him (Mr. Shaw) intimately connected with the present Amendment. For if you put the halls in which the pupils were to reside, under the charge of the State, along with the Colleges themselves, and thus give the character of a domestic system to the institutions, domiciling the pupils there —then, indeed, it would be impossible to omit religious instruction as an essential part of the education to be imparted. And chaplains of the different persuasions must be appointed; that would open the whole question of endowment by the State of professors of creeds adverse to the Established religion, to which he (Mr. Shaw) had, throughout, objected; it would change the whole principle on which the Bill was founded; and to which—as the best that, under the difficult circumstances of Ireland, could be practically adopted — he (Mr. Shaw) had assented. He must, therefore, oppose the Amendment of the noble Lord.

Lord *J. Russell* said, that he did not assent to the argument of the right hon. Gentleman, that the two clauses must be taken together; but he was willing to explain his intention to the Committee. But, first, what was the proposal of the Government? Their original measure had been to provide secular instruction, and to take no notice whatever of religious instruction; but this had subsequently been altered, and by the clause affecting the management of the halls, the Government had interfered with the religious instruction of the students. He had only gone a little further than this, and proposed that there should be a State endowment for these halls. Having voted for the Maynooth Bill, he was quite prepared to vote for religious instruction to the Roman Catholics. The Government having carried that measure, seemed now ashamed of their principle. That the Roman Catholics should be educated, he was quite prepared to say. Whether Trinity College, Dublin, now confined to Protestants, ought to be thrown open to the Roman Catholics of Ireland, he was not at the moment ready to say; but of this he was quite sure—either that Trinity College must be thrown open, or religious instruction provided for the Roman Catholic youth of Ireland. This, however, was something apart from the present question. That question was, whether the House would not consent to the endowment of these halls? The right hon. Baronet had said that that endowment would reduce the 100,000*l.*; but he would prefer two Colleges properly established, to three indifferently founded.

Sir *J. Graham* said, that the noble Lord had made an unintentional mis-statement in saying that Trinity College was confined to Protestants. This was not so. The education of that College was open to the Roman Catholic gentry of Ireland. He disagreed with the argument of the noble Lord, because the principle of the Bill was, that all religious instruction should be voluntary; and though an alteration had been made in the Bill, any attendance on religious lectures was still to be voluntary.

Mr. *C. Buller* said, he had hailed with great delight the Bill as it was originally brought in by Her Majesty's Government; he thought it a wise policy to found a liberal system of education in Ireland; but every alteration that had been made in the Bill since its introduction had interfered with its original intention, and had deteriorated the measure. The defect of the plan was, that the Government did not complete it by founding a new University in Ireland. The value of a university education was that it gave degrees, which were useful in after life; and unless those degrees were given, they might depend on it these Colleges would fail to produce their proper effect. He did not support the proposition of the Government as one for giving that scholastic education proper for youths, but as part of a system of university education.

They were now trying to graft on the original plan that system of Halls and Colleges which existed in the English and Irish Universities, and no others in Europe. He thought the Scotch system an excellent one, and particularly fitted for a country so divided in religion as Ireland. He did not wish to depreciate the advantages of a religious education; but it was a delusion to suppose that it could be provided by the system pursued at Oxford and Cambridge. The two things were incompatible. The system of compulsory attendance at chapel was anything but conducive to religious feelings. He wished hon. Gentlemen would recollect what had happened to themselves at Oxford and Cambridge, and would speak the truth on this subject. Why, at the Universities the chapel was a perfect roll-call, and the worst of roll-calls; a nobleman, for instance, was required only to attend it on Sundays. He recollected a case in which a gentleman who was found reading a novel in chapel was ordered to attend it morning and evening every day for the rest of the term, instead of being told, as a really religious teacher would have told him, not to come till he was in a better frame of mind. This was what was called the education of a Christian at Cambridge! As to the morals of the Universities, he hardly dared to trust himself to speak; the students had quite their proportion of youthful excesses compared with any of the Universities of Europe. From the way in which the University system of Scotland was spoken of in that House, one would suppose that the Scotch were a nation of Atheists; but he believed they were not the least religious of the people of this country. Were the middle classes in Scotland, who were trained in these Universities, more deficient in religious education than other classes? Without contradiction, they had the general character of being superior in this respect to the rest of their countrymen. But it was supposed, unless students were taught the Greek syntax out of the Greek Testament, they received no religious education. He was a year and a half in the University of Edinburgh, and took his degree at Cambridge; and in Edinburgh there was incomparably more provision made for religious and moral instruction than at Cambridge. He spoke in no unkindness to Cambridge when he said, that, from the time he entered till he quitted it, excepting the compulsory attendance at chapel, he might have been without any instruction in religious doctrine whatever. And, as for morals, if a young man had prudence enough to keep out of the way of the Proctor, he was the only person who had anything to do with them. At Edinburgh he lodged in the house of an excellent clergyman, and thus a much more efficient system of moral and religious instruction was provided for him. In this matter he thought all experience was in favour of the plan proposed by the Government; it would have been easy to have made it as satisfactory to the people of Ireland as the education of the Universities of Padua and Pavia was to the orthodox Catholics of Lombardy. He was anxious the plan should take effect, as it would be a great boon to Ireland; but he trusted the Government would not, on any consideration, involve the question in those theological animosities which were sure to be excited when the question of the endowment of any particular sect was brought forward. The Government took the right course, when it proposed to give secular and scientific education to Ireland; moral and religious instruction might be left to parents, and those to whom parents might commit the charge. He should support the original Bill against the amendments proposed in it.

Sir *R. Inglis* thought it unfair that in the present debate, without any notice, the hon. Member should have brought so many accusations against the two English Universities; but as there would be other opportunities of referring to that point, he should reserve himself till such time as he could give a detailed answer, which he was fully enabled to give, to the allegations of the hon. Member. In one respect, at least, the hon. Member had not profited by the experience which he might have gained; for he was desirous that the House should receive from him a statement, in 1845, of the state of Cambridge at the time he was a member, instead of referring to the state of the University at this time. In answer to the hon. Member's statement, and to the cheers of other hon. Members, he had no hesitation in stating that no improvement in society had been greater or even equal to that which had taken place in these Universities. He could only say that his hon. and learned Friend had been peculiarly favoured during his residence in Edinburgh; and that it was not one out of twenty young men who were so lodged during their academical residence in that city: he had always

understood that they were lodged about the town without any moral check whatever. The only question which was under the consideration of the House was the first Amendment proposed by the noble Lord the Member for the city of London. That Amendment proposed that a portion of the money to be allocated for educational purposes in Ireland should be applied to the erection of halls in connexion with the Colleges to be founded under the Bill. His objection to the Bill was, that so far as it went it took no care for the immortal part of the youth; that so far it did not recognise religion in any terms whatever; that so far as the State of England was to be connected with the Colleges in Ireland, it gave no encouragement to religious education; in fact, not a word was contained in the Bill in regard to religion, which might not be adopted by any State in the world which followed any religious system whatever. Now it was because the proposition of his noble Friend went to provide halls in connexion with the Colleges, in which halls religion might be taught—because it would, as it were, give a standing place in which some religious teaching might take place, though still in his opinion very far from what ought to be, that he thought the Amendment would be an improvement upon the Bill, that he was prepared to give it his support. He could not understand the ground on which the Amendment had been objected to by the Government. It had been intimated that the formation of these halls would imply an interference with them on the part of the Government, and this was considered a sufficient objection to the Amendment. But the Bill as it stood provided for much more interference. By Clause 16 persons desirous of preaching in these Colleges must first obtain a license from the President, who was to be the nominee of the Government, and their license was renewable yearly. He considered that if pious persons, of whatever persuasion, founded the means of religious instruction, they ought to be allowed to do so. No external interference ought to be used to prevent them. The Amendment, he repeated, would be an improvement in the Bill, and therefore he would give it his support if his noble Friend divided the House upon it.

Mr. *Bernal* said, if the Government had attempted to make this Bill a religious Bill by the force of compulsion, they would have excited the feelings of the people against them. He, therefore, exhorted them to persevere in the course they had resolved on; and he certainly must regret that any attempt had been made again to raise a religious discussion on this stage of the Bill, and particularly on this Amendment.

Sir *R. Peel* said, that no University constitution could afford so effectual a guarantee for the moral education of the people as that which existed in the improved feeling of the people on such subjects, and the greater desire of parents and guardians to see to the moral and religious training of the younger persons under their care. This improved state of the public mind afforded a guarantee which did not exist thirty years ago. With regard to the University with which his hon. Friend (Sir R. Inglis) was connected, he believed it to be quite consistent with true friendship for that institution for him to state, that at the University of Oxford the expense of education was so great as materially to lessen the benefit that might be derived from it. He wished that some system could be adopted which would extend the advantages of academical education at the two Universities of Oxford and Cambridge to classes which were now excluded on account of the expense. He could not help adding that, in his opinion, the laxity of discipline which prevailed in some of the Colleges, constituted a great objection to the system of education at the Universities. With respect to the question immediately before the House, he must declare that he had such confidence in the solicitude of parents for the welfare of their children, that he could not doubt that they would make the most beneficial regulations for their religious instruction.

Mr. *Sheil* said, that a very important principle was involved in the Amendment of his noble Friend the Member for the city of London. The Government appeared to think that if they agreed to the Amendment of the noble Lord, and made the concessions which he required, they would thus abandon the ground which they had taken; whilst on the other hand, those who were anxious to make the Bill really useful, thought that such a concession was desirable. The Roman Catholic bishops of Ireland had unanimously repeated the statement of the views which they entertained upon this subject; and they had been supported by every Irish Roman Catholic Member—by every Irish Member at that side of the House. [Mr. *Ross*: No.] The hon. Member who expressed his dissent represented Belfast, in which there

was a College with a provision for religious education of the Presbyterian pupils. That was the mode of instruction adopted in Belfast; and why, he would ask, did the Government exclude religious education from Galway and Cork? He was not disingenuous enough not to admit that if the Government gave 26,000*l.* to Maynooth, it was only fair that they should provide for the education of the Presbyterian clergy at Belfast; but he would remark that it was not the clergy alone who were enabled to receive religious education at Belfast, as the laity also received it. The future clergyman and the future layman were educated there together. He wished, therefore, that the Government would tell the House, plainly and distinctly, what reason it was which induced them to say that they would not make any provision for religious education in those new Colleges. Let the House be told without any circumlocution, why it was that the Government made no provision of that description. His hon. Friend near him (Mr. Bernal) had assigned a reason. He said it was because of the excitement of the people of England; but he (Mr. Sheil) would say that such a course would be no other than governing Ireland in accordance with the prejudices of the people of England. If they feared the prejudices of the people of England, and acted on that fear in this respect, it was not in his (Mr. Sheil's) mind the standard by which the affairs of Ireland ought to be regulated; and he was sure the Prime Minister would agree with him in that proposition. What, then, he would ask, was the reason why no religious education was provided for in those Colleges? If it was good, they ought to give it, and if they thought it bad, why did they allow individuals to receive it from another source? Why did they not do themselves that which they encouraged others to do? They paid Roman Catholic chaplains in military hospitals in Ireland; the Rev. Mr. Paisly attended six barracks in Dublin, the duty being rendered very onerous by the necessity of attending to render religious consolation to the wives and families of the soldiers, and for such duties those chaplains received 60*l.* a year. He (Mr. Sheil) knew that the Government paid a priest in Templemore for attending the barracks; for he persuaded the hon. Member for Coventry, when he held the office of Secretary at War, to give a salary to a Catholic priest at Templemore for that purpose; they paid the Catholic chaplains for attending barracks, gaols, and workhouses in Ireland; and, in the name of consistency, he would ask, what reason was it which induced them not to pay a Roman Catholic chaplain in places where, in consequence of secular instruction being daily imparted to youth, religious instruction was, on that account, the more peculiarly required. They (the Ministerialists) were constantly intimating their willingness to pay the Catholic priests, and it was constantly hinted that as a settlement of the Catholic Church, that would be an object of paramount importance. In fact, the Secretary of State for the Home Department stated that it was a mistake to say that he had voted with Lord Francis Egerton in 1825, when the proposition was carried by a majority of 43, as he was not then in the House; but he said he should have voted in favour of the payment of the Catholic clergy, if he had been in the House on that occasion. They said that the Catholics did not like that proposition. Be it so: but how was it consistent with those intimations which they had given, that when the Catholic bishops asked them to appoint chaplains to those institutions, they refused the smallest pittance. That was the policy which they had adopted towards Ireland; and if they acted in that manner from fear of the prejudices of the English people, this, instead of being "a message of peace," would but add to the long catalogue of frustrations which had characterized their government of his country.

Viscount *Bernard* was ready to admit the great wants of the lower orders in Ireland, but they did not want University education; they wanted industrial education. The lower orders in that country required to be taught the most improved modes of farming, and the manner in which the science of geology might be made available to practical agriculture. He was convinced that education ought to be based on religion, and religion on the sacred Scriptures, for no other would be of real advantage. He was in favour of the Amendment of which notice had been given by the hon. Member for Devonshire; and he thought that it ought to be extended to Colleges, and that no education ought to be given which was not founded on true religion. Whatever religious concessions were made with respect to Ireland, must stand or fall by their own merits. If they were bad, let them be rejected, and if they were good let them be approved; but let it not

be expected that they could, by measures of the description of this Bill, purchase even temporary peace in Ireland. If they wished to make Ireland happy, let them give employment to her people—let them develop her resources—let them employ capital in so doing. That was the way in which to restore peace to Ireland. The real question for them to consider was, how they were to raise the condition of the labouring population of Ireland; for, until they raised the condition of the Irish people, they could not be said to have done anything.

Sir *J. Graham* said, before the discussion went further, he thought it right to answer the question addressed to the Government by the right hon. Member for Dungarvon (Mr. Sheil); and before he did so, he would assure the Committee that Her Majesty's Government did not tender the present measure, or any measure, as a panacea for the evils of Ireland. They were decidely of opinion with the noble Lord (Lord Bernard), that although it was a matter of the utmost importance to spread throughout Ireland, and give to all classes in that country the benefits of improved education, yet the peace of Ireland could only be secured by improving the physical condition of the people; if, indeed, by legislation it was possible to effect so difficult an object. But, to return to the question of the right hon. Gentleman. He thought it desirable, even in Committee, that they should, as far as possible, stick closely to the subject-matter in debate; but still he agreed with the right hon. Member for the University of Dublin, that the point about the halls, which they were then discussing, was necessarily and intimately connected with an ulterior Amendment intended to be proposed by the noble Lord (Lord J. Russell), with respect to the appointment of chaplains, to which the right hon. Gentleman's (Mr. Sheil's) question more particularly adverted; and he agreed with the reasons assigned by the right hon. Member for the University, that if the State favoured the foundation of halls, and adopted the domestic system of education, as contradistinguished from the professorial system, the State could not fail to give their support to some scheme of religious education intimately connected with the domestic system. This question, therefore, of halls was immediately blended with the consideration of the question of the appointment of chaplains. Now the right hon. Gentleman (Mr. Sheil) appealed to the Government, and asked them to let him know distinctly their objection to the appointment of chaplains to be paid by the State. He thought the right hon. Gentleman was entitled to put that question, and he agreed with him in the opinion he expressed, that if Ireland was to be governed in servile obedience to the strong religious feelings of the people of this country, as opposed to the Roman Catholic religion, he did not think Ireland could be so governed, on principles consistent with her happiness and peace. That was his (Sir J. Graham's) decided feeling—a feeling in which he was fortified by the firm support which he, together with his Colleagues in the Government, had recently received on the Maynooth measure, which, he must own, ran counter to the feelings—he would not say the prejudices—of a considerable portion of the Protestant population of this country. With respect to what the right hon. Gentleman had said concerning himself (Sir J. Graham) personally on this subject, he was quite right. He (Sir J. Graham) was not present in Parliament, it so happened, in the year 1825. He, therefore, was not compromised by any vote given on the subject of the endowment of the Roman Catholic clergy, and he might have reserved his private opinions on that matter. But gratuitously, and wishing, with regard to all the circumstances of Ireland, to state frankly his own opinions and feelings, he had certainly stated that he should have no scruple upon religious grounds, or with reference to any individual feeling, to support such a grant if it were proposed. It was, therefore, quite clear, that in objecting to the appointment of chaplains, he was not disposed to be swayed by any consideration such as those to which the right hon. Gentleman had referred—namely, servile submission to what the right hon. Gentleman would term the prejudiced feelings of the Protestant population of either England or Scotland. The right hon. Gentleman asked them why he (Sir J. Graham) was not prepared to support the appointment of chaplains to those Colleges? He (Sir J. Graham) stated distinctly that he thought such an appointment would destroy every hope of the usefulness of those institutions. One of two things must be done. If they were to give religious instruction in those Colleges in Ireland, they must attempt either united religious instruction, or separate religious instruction; if united, they must then do that to which, on religious grounds, he had insuperable objections. They must,

notwithstanding the differences—he did not call them fundamental, but important differences in matters of doctrine of the Christian faith—establish a scheme of amalgamated religious instruction which would dilute all those religious principles, and sink all these differences, even on cardinal points of essential importance; and by such dilution administer religious instruction in a manner most imperfect and unfavourable, and which could only lead to scepticism. Such an alteration in the measure must inevitably lead to that end. It was his intention to deal frankly with the matter. He saw no use in making any concealment respecting it. He had stated that this collegiate plan was very much founded upon the national system of education. He had stated also what was quite true, that joint religious instruction was not necessarily a condition of that scheme of education. It was admitted, but it was not enjoined, and if he were to point to what he really believed to be one of the greatest objections, honest objections, on the part of the Protestant clergy, and a portion of the Protestant laity, to that scheme of national education, he believed it was the admission of that attempt to promote joint religious education. He believed that was the fundamental ground of their objections to it. They would object infinitely less to a complete scheme of secular education, from which all attempts at religious instruction would be excluded. He said, then, that even judging from experience with reference to that particular measure upon which this proposition was mainly based, the clergy would prefer going the whole length of excluding from the collegiate scheme any attempt at religious instruction whatever. He had contemplated only the proposition of a united scheme of religious instruction. There remained only the opposite scheme, which the right hon. Gentleman would seek to introduce, in conformity with the Amendment of the noble Lord—namely, a scheme of separate religious education. Now, it was of the last importance—it was the groundwork of the proposition, that in these new Colleges Protestant and Roman Catholic should be submitted to the discipline of one united scheme of education, with the hope, the expectation, that it would mitigate religious antipathies, and lay at rest hostile feelings amongst the youthful community in Ireland. Now, he thought if they admitted the propriety of appointing even in the south of Ireland a Roman Catholic chaplain for the Roman Catholic students, in common justice, and consistently even with the equality desired by the right hon. Gentleman, they must appoint a Protestant chaplain for the Protestant students; and a Presbyterian chaplain for the Presbyterian students; and if there were any Unitarian students, a Unitarian chaplain. Nay, he knew not if there were any Jews at those Colleges, whether it would not be their duty, acting on this principle, to appoint a Rabbi as their religious pastor. Nay, they should not only, in acting upon that principle, pay the chaplains of the different creeds, but they should also build and maintain separate places of worship for each. He conceived that in such a state of things, so far from mixed education succeeding in softening religious differences, an opposite effect would be produced; it would be chaos worse confounded, and, instead of mitigating religious animosities by the adoption of such a course, the most certain and inevitable effect of it would be to increase and aggravate them an hundred-fold. He had, without concealment, frankly stated to the right hon. Gentleman what were his objections to the proposal. He conceived it to be directly opposed to the principle of the Bill; but that was a minor objection, because the Bill might be rejected. However, not only was it opposed to the principle of the Bill, but also he was of opinion, that if religious instruction was their object, it was unsound in principle, and would be fatal in effect, and a more impolitic proposal, with all due deference to the noble Lord (Lord J. Russell), he could not conceive.

Mr. *Ross* said, that the feelings of his constituents were divided upon this measure. Several respectable Roman Catholics signed a petition which he presented from Belfast in favour of the Bill; but he believed that the great body of the Roman Catholics followed in the train of their prelates. He had been denounced by the hon. and learned Member for Cork, because he was not, in the first place, a Repealer; and in the second place, because he said that the hon. and learned Gentleman did not represent the mass of the educated and middle classes in Ireland on the subject. He had stated that as his honest opinion, and for that he was denounced by the hon. and learned Gentleman, as the hon. and learned Gentleman was in the habit of denouncing others, in no very handsome terms. He might lose his seat in that House; but he was

ready to lose it rather than give up his honour and his independence. He did not think that anything wiser, or better, or more adapted to the circumstances of Ireland, could be devised by any Government than the present measure.

Mr. *O'Connell* said, he had never been more astonished than by an attack made on him by the hon. Member for Belfast on a former occasion. The report of the hon. Member's speech had, however, no sooner reached Ireland than the hon. Member stated, as indeed, he subsequently mentioned to him (Mr. O'Connell) personally, that the report of what fell from him was not accurately given. All that he (Mr. O'Connell) had said in reply to the hon. Member was, that the hon. Member had shown himself no great witch in his knowledge of public opinion in Ireland. He had made use of no harsher terms.

Mr. *Ross* said, it was perfectly true that he denied the accuracy of the observations attributed to him; but there had been no retractation of what fell from the hon. Member for Cork, or of the attack made on him by the public press.

Mr. *O'Connell* said, he was not responsible for the press. Nothing harsher than what he stated fell from him in reference to the hon. Gentleman.

Viscount *Clive* said, that as a great number of pupils must reside at these boarding-houses, and it was important that a sufficiency of them should be provided, he would vote in support of the Amendment.

Mr. *Lefroy* could not support the present proposition as a resting place for religion, without going further, and requiring the endowment of chaplains. If, however, Her Majesty's Government were to take a step in support of particular religious views, they would be opposed by many who now supported the measure as it stood.

Mr. *Bellew* said, that under all the circumstances of the case, and considering the great importance of providing increased means of education, the Bill would be received in Ireland as the best plan of mixed education that could be brought into operation.

Mr. *Roebuck* said, in answer to the right hon. and learned Gentleman the Member for Dungarvon (Mr. Sheil), that they could not expect to govern Ireland well, by positively creating any ill feeling in Ireland. The right hon. and learned Gentleman had asked, why not endow religious bodies in these Colleges? He would not have such bodies endowed, because he did not think that so doing afforded the best system of education which the circumstances of the whole country would permit. The Amendment of the noble Lord went to the very essence of the question. It introduced, or sought to introduce, a totally new system of education in place of that proposed by the Government. He was astonished to hear some hon. Gentlemen call the Government proposition a "godless" system of education. It had been said that the Irish were essentially a religious people. When the term "godless" was applied to the system proposed by the Government, it was undersood by them, if such was not in reality what was intended to be communicated, that there was something in this system which would prevent the people from being religious. This was an unfair way in which to represent the system. The Bill provided a certain sum of money for the erection of certain buildings; it then, in the 17th Clause, enacted and gave power to individuals to erect halls in the proposed Colleges. For what purpose were these halls to be built? The Amendment of the noble Lord went to this, that when private persons contributed money for these halls, the Government should step in, and by advancing a further sum, enable them to be erected and established. This was only a proposed application to private views of public money. He could not hesitate for a moment as to his vote on that occasion; nor was he at all, in reference to this matter, fettered by his vote for the increased grant to Maynooth. He voted for the College of Maynooth on a totally distinct set of principles from the principles upon which he was called upon to support this Amendment. He voted for that College in spite of its religion, and not in consequence of it. He found certain circumstances to exist in the condition of Ireland which called upon the Government to interfere for the instruction of the pastors of the people. This, however, was a distinct and separate consideration. Here he had to administer education to the great body of the people. If, indeed, the whole country, England, Scotland, Ireland, and Wales, were happily of one faith, there would be no difficulty in the way. But differences of

creed had sprung up, would increase, and they could not diminish them; they could not well control them, and it was particularly impossible for them to educate all of them. Being, therefore, unable to educate all of them, the necessary and honest conclusion was, that they could not interfere in this great question; that they should confer such education upon the people as they could, without militating against the communication of religious instruction which each sect might choose to impart to those within its pale. They should allow, and proposed so to do, each sect to teach religion within the College which they sought to erect. Private liberality might endow religious foundations if it wished, and the Government would not interfere. The Government, therefore, could not be accused of bringing forward an irreligious and godless system of education. They had pursued a wise and a bold course—they had dared to face many strong prejudices, as he would call them, in this country, and which, if not impelled by a paramount sense of duty, they might well have avoided, and thereby gained for themselves a fleeting applause. Instead of yielding to those prejudices, and seeking this applause, they placed the good of the country above every other consideration; and had, in bringing forward this matter, introduced that which was a bold, and which, he would venture to predict, would yet prove a beneficial measure.

Lord *J. Russell* thought that the present discussion had gone far beyond the Amendment itself, and had extended to the principle of the Bill; and, in endeavouring to defend the Amendment, he could not altogether avoid touching upon the general argument. He did not at all wonder at the support which the hon. and learned Member for Bath gave to this clause and to the Bill generally. The hon. and learned Gentleman had always contended that it was wise for the State to give secular education; that secular education should be given in common; but that, as there were so many religious differences in this country, that it would be unfair and unjust to single out one, one only, to be favoured by the State; and as it would be impolitic, if not impossible, to provide for all, it was, therefore wise to neglect religious instruction altogether, and to leave such entirely in the hands of the parents and guardians of the young men to be educated. He (Lord John Russell) must say, that the Bill of the Government tallied in all its provisions with the opinions and predilections of the hon. and learned Gentleman. He thought that the principle advanced by the hon. and learned Gentleman went at once to the destruction of endowments for religious purposes. It went to the destruction of religious Establishments. He would say the same as to what had fallen from the right hon. Gentleman the Home Secretary. The right hon. Gentleman thought that it would be unjust to favour one sect only in the proposed Colleges, and that if they attempted to provide for all, they would be involved in the greatest confusion. These were the arguments always used by the advocates of the voluntary system. It was new to him to hear arguments of that nature from the Treasury Bench—arguments which went to the root of all religious Establishments. The object of his Amendment was of a more limited character than the right hon. Gentleman chose to assign to it. His Amendment would operate in this way:—The Government having the power, but not being under the obligation, to build halls, would undertake, when they were about to build a College at Cork, Galway, or Limerick, to inquire what was likely to be the endowment which would be contributed for the halls; and, having ascertained that it was the wish both of Roman Catholics and Protestants that there should be these halls, that the Government should then say that they were ready to contribute in their erection, not only by advance or loan, but likewise by grant of part of the cost of erection, which they would be empowered to do by another part of the Bill. The Amendment went, to some extent, to the promotion of religious as well as secular education. If the Committee rejected it, because such was its tendency, because the probability was, that religious education would be furthered by it, it would, of course, reject any proposition for the nomination of chaplains. If all the amendments which he was ready to propose were adopted, the Bill would be materially altered. It would, however, be altered for the better, and would be more in harmony with the people of Ireland. With regard to Trinity College, he had seen some time ago an advertisement for a Professor of Chemistry, which was open to the competition of every one who, amongst other

qualifications, was a Protestant. This was extremely exclusive. With regard to such professorships, there should be no such religious tests. The provision which excluded Roman Catholics from such professorships was a bigoted and an exclusive provision. Maintaining such a system in Trinity College, he did not know how they could defend the present constitution of the Bill. If the Committee refused to adopt this Amendment, he would not think of pressing that which referred to the nomination of chaplains.

Mr. *Sharman Crawford* said, that he felt jealous of the interference, on the part of the clergy of any persuasion, with secular education. He was opposed to the clergy of his own Church doing so, and would never consent that the clergy of other denominations should have the power of interference. He would oppose the Amendment of the noble Lord.

The Committee divided on the Question, that the words be inserted:—Ayes 42; Noes 117: Majority 75.

Clause agreed to.

Upon Clause 10,

Mr. *Wyse* moved as an Amendment—

"That on any future vacancy occurring in the Professorships of the intended Colleges, such vacancy be filled up by such candidate as, after due public examination before competent examiners, hereafter to be appointed, shall be declared by them (being otherwise qualified by character and conduct) to be the most compstent to discharge the duties of such Professorships."

He referred to the course pursued in Trinity College, Dublin, with respect to the fellowships in that University. The examination was public, carried on for four days together, each day's examination lasting four hours. There was the greatest competition, and the best evidence was afforded of the competency of the individuals chosen. He admitted that a difficulty might occur, where a person of distinguished character might offer himself for a professorship. An examination might be made to depend upon the discretion of the governing body; but the certain efficiency of the Bill would depend upon the constitution of the body of visitors, and the manner in which they exercised their powers. Admitting them to be what he desired they should be, they might leave to them dispensing powers, in particular cases. They ought to hold out to the students in the College an inducement to devote themselves to science, and to let them know that by their own exertions, and merely by standing the test of a public examination, they might become professors. At present he was reduced to the necessity of vesting the choice of the examiners in the teaching body, under the control of the visitors. If he regarded this plan as a whole, he should, as he had stated before, oppose it; but regarding it as a part of a whole, he considered it as a step in the right direction.

Mr. *Smith O'Brien* suggested that it would be better to withdraw the Amendment, and move it as a distinct proposition.

Sir *R. Peel* said: I think it desirable that we should treat each question separately, and that we should consider each proposition on its separate merits. I do not think it advisable that the argument of the right hon. Gentleman's propositions should be mixed up with that of the hon. Member for Limerick, or that of the noble Lord. It does not appear to me that there is any material difference, in point of principle, between the opinions of the Government and those of the right hon. Gentleman with respect to the particular points which he has urged. We do not dispute that it may be desirable to merge those Colleges into one, and to establish a University. I think that this is a question which we are not even called upon to discuss. I think that the question is premature. We agree in thinking that it is desirable that hereafter these Colleges shall be made into an University, and that that University shall, as of course, have the power of granting degrees. However, in whatever manner it may be advisable hereafter to appoint the professors, I think it advisable that, between the interval that must elapse between the establishment of those Colleges and the establishment of a University, it is desirable that the Crown should possess the power of appointment. But whilst the Government ask that, in the beginning, the Crown shall reserve to itself this power of appointment, there is nothing to deprive the Crown from getting the best assistance to enable them to decide upon the efficiency and suitableness of the persons to be appointed. Nothing is to prevent the Crown from availing itself of the best assistance, in taking the best means, to make the most useful appointments. Now, I agree with the right hon. Gentleman that the success of these

institutions may, in a great degree, depend on the appointment of the Board of Visitors. But, surely, every confidence might be placed in the Government on this point. What object could they have in securing any paltry political advantage, compared with the advantage of establishing a good system of academical education in Ireland? I think that no one can doubt that it must be more the interest of the Government to establish a good system of academical education, than to gain any paltry advantage. I think it is quite plain that the object the Government must have in view is the establishment of a good system of academical education in Ireland. Now, I should object to the establishment of such a rule as the hon. Gentleman proposed for fellowships. Now, I doubt whether men of the greatest eminence in science would, if you opened the competition in the way proposed, be inclined to avail themselves of the opportunity of that competition in the way proposed by the right hon. Gentleman. I think, at the same time, that if the rule in appointing to those situations must either be by public competition, or by reserving a power to except some persons from that competition, the effect can only be to lead to the notion of favouritism. Supposing that you exempt one man who is very eminent from public competition, whilst you subject another man to it, the consequence must be to lead to the notion of favouritism, and to give the party so preferred an undue influence. I hope, hereafter, that those institutions will supply their own professors. I hope that those young men who will be educated in those Universities will be able to supply those Universities hereafter with professors. With respect to the proposition of the hon. Member, I doubt whether there is any material difference in point of principle with respect to this question between him and the Government. The Government admit that, after those institutions are established, they are willing to look forward to the earliest period to have them connected with an University. The Government even named (as we understood) 1848, when it might be desirable to establish an University in connexion with those Colleges. However, in the first instance, with respect to those appointments, on account of religious suspicions, mere intellectual acquirements would not be a sufficient recommendation. I think, therefore, that those appointments should be exercised with the greatest care to make them satisfactory. I think also that the next thing to be considered is to appoint such men of eminence as will give the best security of producing public confidence. Upon the whole, not differing widely from the principles which the right hon. Gentleman has laid down, I think it should be left to the Crown to exercise its best discretion with respect to those appointments in the first instance — not doubting but that the Crown will be most desirous so to act as to endeavour to secure the success of those institutions.

Viscount *Ebrington* was not willing to place any unnecessary confidence in the Government on a question of this kind. He thought that it was most desirable that the House of Commons should strictly limit their appointment to those situations. Let the House remember the course the present Government had pursued with respect to the appointments in the Church in Ireland. They had appointed to bishoprics in Ireland some of those who had shown the most decided enmity to the national system of education. He could place no confidence in the Government with respect to this matter; and thought that their power of making those appointments ought to be restricted.

Mr. *O'Connell* said, that he had intended to take the opinion of the House on this clause, if he had not been anticipated by the Amendment of the hon. Member for Waterford, and he thought that it would be better if the hon. Member brought in his Amendment as a specific clause. He wished, at all events, to call the attention of the House to the immense power conferred on the Government by this clause. He fully concurred with the noble Lord who had just spoken, that instead of giving the Government unlimited power in these appointments, they ought to fetter their discretion as much as possible. He thought that this was the only chance of gaining credit and confidence for the Bill. It was the duty of the House to keep as close a watch as possible to limit the power of the Government on this subject. The right hon. Gentleman had a little while ago boasted of the success of the Charitable Bequests Bill. Now, he (Mr. O'Connell) denied that the success of the measure was so great as the right hon. Gentleman anticipated. The only chance of success the

measure had was from the expectation that it would be amended during the present Session of Parliament. He could tell the right hon. Gentleman that the success of that Bill depended entirely on the fact whether it would be amended in the present Session or not. Now, let him call their attention to the power which this clause gave. It gave the Government the power of appointment to every situation, and the power of removal. He also objected that in this Bill they had no intimation as to who were to be the visitors to be appointed under it. He thought that in a case of this kind the names of the visitors ought to be inserted in the Bill. He thought that the names and numbers of the visitors should be inserted, with the powers conferred on them. Let them recollect that this Bill had been by the Catholic bishops declared dangerous to the faith and morals of the youth to be educated in those Colleges. This ought to make them more cautious as to the powers which they conferred. The Bill as it now stood even exercised a power of deciding whether a parent should send his child to the guardianship of the person under whom he desired to place him; for the Bill (so we understood) contained a power of withdrawing licenses to boarding houses. He thought the powers conferred by this clause were excessive. Nothing could be more unlimited than the authority conferred by this clause. It was not very well for the Government to talk of what they would do hereafter; but he would ask, since the Government had come into office, had they made one single liberal appointment in Ireland? Had they not appointed to a bishopric a person opposed to the national system of education? Had they not appointed to the judicial bench persons unpopular, and supposed to be hostile to the liberties of the Irish people? Had they not deprived of the Commission of the Peace every magistratewho had concurred in seeking the Repeal of an Act of Parliament? When the proper opportunity came, he intended to move the omission of this clause.

Sir *J. Graham* said, that on the part of the Government, he was bound to say that, in allusion to the hon. Member's statement, the Government did not ask for any confidence from the hon. and learned Gentleman. The hon. Gentleman stated, that the Government had appointed no Liberal to any situation, but that, on the contrary, they had for preferment selected persons adverse to the national system of education. Now, when an important office became vacant, that of Secretary to the Board of Bequests, although the appointment was vested in the Crown, yet the appointment was left to be made by the Board themselves, and the consequence was, that a gentleman was appointed to the office not agreeing in politics with Her Majesty's Government. Now, with reference to the allusions and objections that had been made to the 15th and 16th Clauses of this Bill, as restricting the power of parents to send their children to any boarding house they wished, the licensing clause had only been introduced in consequence of the objections of hon. Members opposite, and in order to afford an additional security for the due care and vigilant control of the pupils. The Bill had been originally introduced without those clauses. The object of introducing those Amendments was to protect the morals and good conduct of the young men placed at a distance from their own homes. Now, with respect to what had been urged by the right hon. Member for Waterford, he differed from the right hon. Gentleman as to the instance he had quoted of the mode in which appointments were made at the University of Glasgow. There was no veto on the part of any superior ecclesiastical body, neither was there any veto on the part of the Crown; and as to the *concursus*, the patronage was conferred in a way different from what the hon. Member supposed. In that University, out of twenty-two professors, a considerable proportion was nominated by the Crown, besides those who were otherwise endowed. Success being their primary object, Government would take the advice of those parties in Ireland who were best qualified to give it. He considered that the highest Catholic ecclesiastic in the locality of the College should be one of the visitors. He might, he thought, be pardoned if he referred to the Amendments which had been proposed by the noble Lord. It had been proposed to substitute the year 1846 for 1848 in this clause; and in default of such alteration being adopted by the House, that the power of appointment should be vested in the governing body of the College. Now, as his hon. Friend had remarked, it would take some time to build these Colleges, and after they were erected, some time

would further elapse before the system came fairly into operation. It was his conviction, that the scheme would be imperfect unless the various Colleges came afterwards to be incorporated into one University. If such a plan were to be adopted, then it would be necessary to come to Parliament for a further endowment. If these arrangements were carried out, it would be a question whether the examiners in the University might not have the power of electing the most eligible of those who came before them to fill the vacant professorships in the various Colleges, which might from time to time arise. A veto must be reserved to the Crown, but subject to such veto the selection should be binding on the Crown —neither the noble Lord nor the hon. Gentleman objected to the first presentation being exercised by the Crown. With respect to the plan which had been suggested as to the appointment of the professors, he thought that the election to these offices being vested in the College decidedly objectionable. Local jealousies and local prejudices, it was much to be feared, would come frequently into play, and this would materially injure the character of the institution. The most suitable plan, and one which he believed would work most favourably for the bodies themselves, would be to vest the power of appointment in the University, which would hereafter perhaps be constituted. He trusted the noble Lord would forbear from pressing his Amendment.

Mr. *Wyse* rose to explain. He mentioned Glasgow College as an instance of a collegiate body where the appointment of officers was vested in the governing body. He did not intend to cite it as an exemplification of what he had insisted on with regard to the three qualities in his opinion essential for a perfect mode of procedure.

Mr. *Warburton* said, that of the three plans which had been proposed, he was decidedly of opinion that that adopted by the Government was the best, and he considered the plan of the noble Lord was the worst. The plan the Government proposed was to vest the appointment in the Crown. The noble Lord wished to give it to the professors in office when the vacancy occurred. He thought this latter plan most objectionable. Physiologists had laid it down that the breeding in and in of animals vitiated the race. And the account they gave of the cause was this—there is always a tendency towards defective organization; and the tendency to exaggerate this defection was increased in proportion as you narrowed the sphere within which the election was made. There was certainly a tendency towards defect in any body of professors; and, therefore, by the process of breeding in and in, as he might term it, a deteriorated class would be found to result. On this account, therefore—all human beings were fallible, even Ministers of the Crown—he preferred the appointment being vested in the Crown, whose Ministers were responsible to Parliament, and more responsible, therefore, than any other body of men. On these accounts, therefore, he hoped Government would keep the appointment in their own hands.

Mr. *Fox Maule* took the same view as his hon. Friend the Member for Kendal. He thought, as Government were responsible for the due discharge of their functions to Parliament and the country, it would be better to leave the responsibility of their appointments with them. They could be called to account if they did what was wrong. As regarded, however, the leaving the appointment in the hands of the governing body, he thought no arrangement could be more objectionable. He was very glad to find the right hon. Gentleman opposite (Sir James Graham) agree with respect to this principle of election. The right hon. Gentleman once filled the office of Lord Rector of Glasgow University, and when in that capacity was of course one of the governing body. He (Mr. Fox Maule) remembered an anecdote which he would tell the House illustrative of the right hon. Gentleman's past experience in this matter. When the Divinity chair became vacant, Dr. Chalmers was a candidate; and there was also another individual, who, though since a distinguished divine, was at that time an unknown country clergyman. They rejected Dr. Chalmers, with his distinguished reputation, and chose his unknown competitor. That was illustrative of the principle of election by the governing body in a College.

Mr. *M. O'Connell* was glad to bring back the House to the grave subject before them, after the jests and anecdotes with which they had been amused by the hon. Members for Kendal and Perth. All parties in Ireland disliked the appointment of the professorships being vested in

the Crown. So strong was this feeling, that he felt sure that if two men of equal merits were competitors for a professorship, the success of either would be generally imputed to the effect of political interest. The hon. Members for Kendal and Perth had said that the Government responsibility would prevent any abuse of this power. But where was this responsibility? "Talk about responsibility on the part of the Government in 1845," said the hon. Gentleman, "why the idea is absurd." True, they had their responsibility sometimes examined, and rather severely too, by the hon. Member for Shrewsbury. He was not then in his place. But Ministers ever resisted that hon. Gentleman's severe sarcasm and eloquent invective. How could the idea of Ministerial responsibility be entertained by orators of an inferior order, and perhaps in matters of minor moment? The notion of Ministerial responsibility he (Mr. M. O'Connell) pronounced a solemn joke. He should support the expurgation of the clause; and he recommended Government, if they wished to conciliate the people of Ireland, to make this concession.

Mr. *Sheil* would take Trinity College as a perfect model, and would recommend it to the attention of Ministers on this occasion. In Trinity College the Crown appointed the Provost; the head was appointed by the Crown. What was the case with respect to the Fellows? That body, which was in the enjoyment of large emoluments and of elevated position, were not elected by the Crown, and they never had been. The benefits they conferred on the University and on the country were chiefly owing to the fair and impartial mode in which they were elected. During his whole collegiate career he had never heard the slightest breath of suspicion against one of their decisions. Their integrity was unimpeachable; but there was an efficient aid to its support—competition ensured purity. There were present, besides the examiners, many spectators during the time the trials were proceeding, and each of them was able to appreciate the accuracy or extent of the information displayed by the minor competitors. A race decided often by such narrow lengths provoked the keenest rivalry; and a proportionate confidence was reposed in the decisions of the judges. Why did not Government follow this example? All the objections which had been urged against the plan which had been suggested, applied with equal force in respect to Trinity College. In this institution competitors were found who actually devoted ten or fifteen years in the most intense study as a preliminary to the struggle for the honours and emoluments they had in view. Carry out this arrangement in the new Colleges, and better results might be expected. It would, besides, open up, he did not doubt, a large class of able men, who, without such a trial, would remain in obscurity. He recommended it also as a means of freeing the Government from the imputation of jobbing, which many would think was their design if they persisted in the present plan of vesting the appointment in the Crown. He had too much respect for many of the right hon. Gentlemen opposite personally, and far too strong a feeling of Parliamentary complaisance, to say outright all that might be passing in his mind with respect to their merits. The right hon. Baronet had referred to their responsibility to Parliament as a guarantee for the fair exercise of their prerogative. "Responsibility," said the right hon. Gentleman, is a favourite term with them. When the Post Office question came under discussion, the right hon. Baronet claimed exemption from scrutiny, on the ground of the responsibility of his office. When you placed Mr. O'Driscoll on the Bench, and made a man a Deputy Lieutenant who had been repeatedly convicted of acts which, in another man, would have been visited with the penalties of the law, you then shielded your conduct under the plenary security, "responsibility of office." The fact is, your excuse is a mere idealism; your appointments in Ireland have been made in defiance of real responsibility. To stations on the Bench and in the Church you have preferred men in utter disregard of all these supposed restraints; and, looking at the mode in which your patronage has been dispensed, it is not such as to conciliate the people of Ireland, nor to warrant their reposing confidence in the responsibility about which you speak.

Mr. *Shaw*: The right hon. Gentleman (Mr. Sheil), as well as the hon. Members who had preceded him, had referred to the fellowship examination in Trinity College, Dublin, as a precedent for opening the professorships under the present Bill to public competition. He (Mr. Shaw) entirely concurred in the value and excel-

lence of that system of examination, for the purpose to which it was applied; but there it was the case of young men entering upon life after vast application and acquirement, and having their abilities and knowledge tested by the severest public competition. They were not generally much beyond the age of men taking a first-class degree at Oxford, or becoming senior wranglers at Cambridge; but how different the case of men advanced in years and distinction, and already at the head of their several professions, who could be hardly expected to submit to such public examinations, but, instead, would be driven from that species of competition, and their services lost to the institutions. While upon that point he would correct two erroneous statements that had been made with reference to the senior Fellows of Trinity College: one by the hon. Member for Waterford (Mr. Wyse), that night—in which, however, he had only followed others—that the incomes of the senior Fellows were above 2,000*l.* a year; whereas, they were not above 1,200*l.*, with an average of about 300*l.* arising from other collegiate offices; and, let it be recollected, those were the great prizes of the College, after an average of thirty years spent as junior Fellows, and a long life devoted to the service of the College. The other still greater error was committed by the right hon. Gentleman the Member for Dungarvon (Mr. Sheil), in saying that the offices of the senior Fellows were sinecures. The answer had been given in his speech by the right hon. Gentleman himself; for he (Mr. Sheil) had stated—and that was in addition to their management as the governing body of the entire discipline and conduct of the University—that the senior Fellows were the examiners in that most arduous of all examinations held annually for fellowships; and he (Mr. Shaw) had himself heard no less a man than Archbishop Magee declare that it took him six months hard reading every year to prepare himself to examine at the fellowship examination. He (Mr. Shaw) would not then discuss the question of Irish appointments with the right hon. Gentleman (Mr. Sheil); but he could not help observing, in answer to the charge of the noble Lord (Lord Ebrington), against bishops being appointed by the present Government who opposed national education, that none of them opposed it more conscientiously and warmly than an eminent Prelate who had been appointed by the Government with which the noble Lord was connected. He (Mr. Shaw) would feel it uncandid of him to sit down, without saying that while he supported the Government in that Bill, he did not agree with them in supposing that it would afford to the people in Ireland University education, properly so called. He considered that the present University having about 1,400 undergraduates, and supplying, he should say, about 300 annually with degrees, did as much in that way as was wanting, if not more than the learned professions demanded. The new Colleges, he expected, would be useful intermediate places of education, keeping in the country many who ought not to go up to the University at Dublin, and sending on those who were likely to distinguish themselves by their superior learning or ability. The gentry of all creeds, he was persuaded, would still continue to send their sons to Trinity College; and let him again remind the noble Lord (Lord J. Russell) that there all the advantages of education were as open to Roman Catholics as to Protestants; and that the governing body and foundation alone were, as they necessarily must be, of the Established Church, having been instituted as a Protestant Ecclesiastical Establishment, endowed as such, and of which characteristic the University of Dublin could not be deprived without a total subversion of the express objects for which it was founded.

Lord *J. Russell* thought that the question of the Dublin University required some further examination, because if, as stated by the hon. Gentleman (Mr. Shaw), that was the only University to which young men of the highest classes would go, would it be fair that that University should continue to bear its present exclusive character? He was quite as ready as any one to give to the opinion of his hon. Friend the Member for Kendal all the weight to which it was so justly entitled; but he could scarcely go along with his hon. Friend in imputing to the Government a wisdom of decision little short of infallibility; and he felt the less disposed to subscribe to the doctrine of his hon. Friend when he recollected that the greater part of the appointments made by the present Ministers in Ireland had been made in favour of a class of politicians who took the narrowest possible view of

the principles upon which Ireland ought to be governed. The present advisers of the Crown had placed on the bench of justice, and on the bench of bishops, men who were well known to entertain the most bigoted sentiments with regard to their Roman Catholic fellow countrymen; and there was the less excuse for this when such men were to be found as Bishop Sandys and Bishop Dickenson. They were men favourable to the system of national education; but they were at the same time men of acknowledged learning and piety. Many such were to be found in Ireland; and a Government which professed itself favourable to national education ought to give a preference in their appointments to those whose opinions coincided with their own. As to the Amendment, he should vote in favour of leaving out the words proposed to be left out; and with respect to the words which his hon. Friend proposed to introduce, they might be made the subject of further consideration.

Lord *J. Manners* said, that as the House had decided to proceed with the Bill, it only remained for those who objected to such a measure to use their best endeavours for the purpose of making it as little objectionable as possible. They were called upon to consider and decide whether the proposition of the Government or the Amendment of the right hon. Member for Waterford ought to be preferred. For his part, he was decidedly adverse to leaving these appointments in the hands of a majority of that House. He drew a broad distinction between that which gave power to the Crown to be exercised by the Queen, and that which gave power to the Ministers, who, in effect, were appointed by a majority of the House of Commons.

The Committee then divided on the Question, that the words proposed to be left out, stand part of the Clause—Ayes 141; Noes 47: Majority 94.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Aldam, W.
Baine, W.
Baring, rt. hn. F. T.
Baring, rt. hn. W. B.
Barrington, Visct.
Bateson, T.
Bentinck, Lord G.
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Brotherton, J.
Bruce, Lord E.
Buck, L. W.
Buller, C.
Bunbury, T.
Burrell, Sir C. M.
Cardwell, E.
Carew, W. H. P.
Chelsea, Visct.
Christie, W. D.
Clerk, rt. hn. Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt.hn. Sir G.
Colebrooke, Sir T. E.
Connolly, Col.
Corry, rt. hon. H.
Courtenay, Lord
Craig, W. G.
Crawford, W. S.
Cripps, W.
Damer, hon. Col.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Douglas, Sir C. E.
Duncombe, T.
Duncombe, hon. A.
Egerton, Sir P.
Entwisle, W.
Escott, B.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Fremantle, rt.hn. Sir T.
Gardner, J. D.
Gaskell, J. M.
Gill, T.
Gladstone, rt.hn. W. E.
Godson, R.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimston, Visct.
Halford, Sir H.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Harris, hon. Capt.
Hawes, B.
Henley, J. W.
Herbert, rt. hon. S.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Ker, D. S.
Lambton, H.
Lawson, A.
Legh, G. C.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Mackenzie, T.
Mackenzie, W. F.
M'Neill, D.
Mahon, Visct.
Mangles, R. D.
Martin, C. W.
Maule, R. H. F.
Meynell, Capt.
Milnes, R. M.
Mitchell, T. A.
Morgan, O.
Morris, D.
Mundy, E. M.
Napier, Sir C.
Newport, Visct.
Nicholl, rt. hon. J.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, Sir R.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Rous, hon. Capt.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Smith, A.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Tower, C.
Trelawny, J. S.
Trench, Sir F. W.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Warburton, H.
Wawn, J. T.
Wellesley, Lord C.
Wortley, hon. J. S.
Wortley, hon. J. S.

TELLERS.
Baring, H.
Lennox, Lord A.

List of the NOES.

Archbold, R.
Barron, Sir H. W.
Bellew, R. M.
Blake, M. J.
Bouverie, hn. E. P.
Bowring, Dr.
Browne, R. D.
Browne, hon. W.

Chapman, B.	O'Connell, M. J.
Collett, J.	O'Connell, J.
Curteis, H. B.	O'Conor Don
Dawson, hon. T. V.	Ogle, S. C. H.
D'Eyncourt,rt.hn.C.T	Oswald, J.
Dickinson, F. H.	Protheroe, E.
Dundas, D.	Rawdon, Col.
Easthope, Sir J.	Redington, T. N.
Esmonde, Sir T.	Ross, D. R.
Ewart, W.	Russell, Lord J.
Forster, M.	Sheil, rt. hon. R. L.
Gore, hon. R.	Sheridan, R. B.
Hamilton, C. J. B.	Smith, rt. hon. R. V.
Hollond, R.	Somers, J. P.
Hope, A.	Somerville, Sir W. M.
Maher, N.	Stuart, Lord J.
Manners, Lord J.	Stuart, W. V.
Martin, J.	Tuite, H. M.
O'Brien, J.	TELLERS.
O'Brien, W. S.	Wyse, T.
O'Connell, D.	Ebrington, Visct.

Sir *H. W. Barron* moved the following Amendment:—

"That previous to the first appointment of any rector, president, head of college, or professor under this Act, the Board of Education in Ireland shall have power to present three names to the Lord Lieutenant of Ireland who must select one of the said persons to fill such office."

He observed, that a Roman Catholic archbishop would necessarily be a member of the Board; a gentleman possessing the confidence of the Presbyterian body would also be connected with it; and the Government, to avoid all suspicion of reserving these appointments to themselves for purposes of patronage, ought to put them out of their own hands. He thought it most desirable that the Board of Education in Ireland, which possessed in so eminent a degree the confidence of the people of that country, should have the power of submitting the names of persons to fill the offices to which his Amendment referred to the Lord Lieutenant, though the actual appointment might be vested in the Crown.

Sir *J. Graham* said, that on grounds he had before stated, he could not, consistently with his sense of duty, consent to the hon. Baronet's Amendment. He believed a large majority of the Members of that House entertained the opinion that the Government ought to have the power of recommending to the Crown the persons they deemed most competent to fill the offices to which the hon. Baronet's Amendment referred. He concurred in the statement of the hon. Baronet (Sir W. Barron), that the Board of Education in Ireland, as now constituted—comprising, as it did, members of the Established Church, Roman Catholics, and Presbyterians—possessed the confidence of the Irish people; but he doubted whether, if the patronage proposed by the hon. Baronet to be placed in the hands of that Board was assigned to it, the harmony now existing would be maintained. He (Sir J. Graham) could state that the Board would be most unwilling to undertake the duty which the hon. Baronet proposed to impose upon it; for he was assured that if this Motion should be adopted, more than one member of that Board would cease to hold any further connexion with it. He, therefore, entreated the House not to agree to the Amendment.

Amendment negatived.

On the question that the Clause (No. 10) stand part of the Bill,

The Committee divided — Ayes 129; Noes 24: Majority 105.

List of the AYES.

Acland, Sir T. D.	Damer, hon. Col.
Acland, T. D.	Dawnay, hon. W. H.
A'Court, Capt.	Denison, E. B.
Adderley, C. B.	D'Eyncourt,rt.hn.C.T
Aldam, W.	Douglas, Sir C. E.
Archbold, R.	Duncombe, T.
Baine, W.	Duncombe, hon. A.
Baring, rt. hon. F. T.	Egerton, Sir P.
Baring, rt. hon. W. B.	Entwisle, W.
Barrington, Visct.	Escott, B.
Bateson, T.	Fitzroy, hon. H.
Bentinck, Lord G.	Flower, Sir J.
Bernard, Visct.	Forster, M.
Boldero, H. G.	Fremantle,rt.hn.SirT.
Borthwick, P.	Gardner, J. D.
Bowes, J.	Gaskell, J. Milnes
Bowles, Adm.	Gill, T.
Bowring, Dr.	Gladstone,rt.hn.W.E.
Boyd, J.	Godson, R.
Bramston, T. W.	Gordon, hon. Capt.
Brotherton, J.	Graham, rt. hn. Sir J.
Bruce, Lord E.	Grimston, Visct.
Buller, C.	Halford, Sir H.
Bunbury, T.	Hamilton, C. J. B.
Cardwell, E.	Hamilton, J. H.
Carew, W. H. P.	Hamilton, G. A.
Christie, W. D.	Hamilton, W. J.
Clerk, rt. hon. Sir G.	Hamilton, Lord C.
Clive, Visct.	Hawes, B.
Clive, hon. R. H.	Henley, J. W.
Cockburn,rt.hn.Sir G.	Herbert, rt. hon. S.
Colebrooke, Sir T. E.	Holmes, hon. W. A'C.
Corry, right hon. H.	Hope, hon. C.
Courtenay, Lord	Hope, G. W.
Craig, W. G.	Hotham, Lord
Crawford, W. S.	James, Sir W. C.
Cripps, W.	Jermyn, Earl

Jocelyn, Visct.	Redington, T. N.
Jones, Capt.	Repton, G. W. J.
Ker, D. S.	Ross, D. R.
Lambton, H.	Rous, hon. Capt.
Lawson, A.	Sandon, Visct.
Legh, G. C.	Scott, hon. F.
Liddell, hon. H. T.	Seymour, Sir H. B.
Lincoln, Earl of	Shaw, rt. hon. F.
Lockhart, W.	Smith, A.
Lowther, Sir J. H.	Smith, rt. hn. T. B.C.
Mackenzie, W. F.	Smollett, A.
McNeill, D.	Somerset, Lord G.
Mahon, Visct.	Spooner, R.
Martin, C. W.	Stuart, W. V.
Maule, rt. hon. F.	Sutton, hon. H. M.
Meynell, Capt.	Tennent, J. E.
Milnes, R. M.	Tower, C.
Mitchell, T. A.	Trelawny, J. S.
Morris, D.	Trench, Sir F. W.
Mundy, E. M.	Vernon, G. H.
Napier, Sir C.	Waddington, H. S.
Nicholl, rt. hon. J.	Warburton, H.
Palmerston, Visct.	Wawn, J. T.
Patten, J. W.	Wellesley, Lord C.
Peel, rt. hon. Sir R.	Wortley, hon. J. S.
Peel, J.	Wortley, hon. J. S.
Polhill, F.	TELLERS.
Pringle, A.	Lennox, Lord A.
Rashleigh, W.	Baring, H.

List of the NOES.

Barron, Sir H. W.	Manners, Lord J.
Blake, M. J.	O'Brien, J.
Bouverie, hon. E. P.	O'Connell, D.
Browne, hon. W.	O'Connell, M. J.
Curteis, H. B.	O'Conor Don
Dickinson, F. H.	Ogle, S. C. H.
Dundas, D.	Rawdon, Col.
Easthope, Sir J.	Somers, J. P.
Ebrington, Visct.	Somerville, Sir W. M.
Esmonde, Sir T.	Wyse, T.
Gore, hon. R.	
Hollond, R.	TELLERS.
Hope, A.	O'Connell, J.
Maher, N.	O'Brien, W. S.

The House resumed. Committee to sit again.

SUPPLY—MUSKETS.] On the Report of the Committee of Supply being brought up,

Viscount *Palmerston* wished to ask the right hon. Baronet, or the hon. and gallant Officer connected with the Board of Ordnance, what progress had been made in manufacturing muskets for the army upon the percussion principle? When the late Lord Vivian was Master of the Board of Ordnance, he took infinite pains to ascertain the best kind of musket for the use of the British army; and that manufactured on the percussion principle was considered the best, and it was determined that the whole army should be armed with that musket. Arrangements were accordingly made for manufacturing 50,000 muskets every year, till there should be a sufficient supply. If this arrangement had been acted upon ever since, there would be upwards of 225,000 muskets in the hands of the Government. He should think this would be a sufficient store to meet any demand that could arise upon the breaking out of a war, both for the militia and the regular army. He should therefore like to know how many muskets had already been made, and whether there would be any necessity for a similar vote next year to the one now in the Estimates?

Captain *Boldero* could not inform the noble Lord how many muskets there were now in store; but he could state that there were manufactured last year, and would be also this year, 40,000 stands of arms, besides swords and other weapons.

Viscount *Palmerston* wished to ask the right hon. Baronet whether it was his intention in the course of the present Session to propose a vote on account of providing for the better defence of our dockyards, and with a view to the formation of harbours of refuge? It was perfectly well known that the dockyards were not defensible against any attack made by surprise by a force embarked in steamers. The improvements in steam navigation and the multiplication of steam vessels, had entirely altered the nature of attacks against any defences that might be provided. This appeared to him to be a question of most urgent importance; and he wished to know whether the right hon. Baronet meant to allow the Session to pass by without establishing a better system of defence for our dockyards, and also making provision for harbours of refuge?

Sir *Robert Peel* said, that provision had already been made both in the Ordnance and in the Navy Estimates, for both those objects during the present year. He could not exactly state the details; but with respect to the dockyards at Sheerness, at Portsmouth, and at other places, there had been, both in the Ordnance Estimates and in the Navy Estimates, sums voted, founded upon the Report of the Navy Commissioners appointed to inspect the dockyards. With respect to harbours of refuge, engineers had been employed at Dover and other ports along the coast; and (we understood the right hon. Baro-

net to say) that those engineers had made their Reports to the Navy Commissioners, who would also make a Report to the Government upon that branch of the subject.

Sir *Charles Napier* was desirous of asking whether it was the intention this year to organize the coast-guard and fishermen along the coast, in the same manner as had been done in former days, in order that they might be ready to act in defence of our coasts in case of any sudden emergency? He looked upon this as a matter of great importance. We understood the hon. and gallant Officer to suggest, that in addition to the returns made by all the Government steamers, there should be obtained a statement of all the merchant steamers belonging to this country. He thought an arrangement might be easily made with the various steam companies, by which such information might be obtained.

Sir *Robert Peel* said, the matter was one which had not escaped the attention of the Government. He concurred in the opinion that the coast guard might be made an efficient force in case of necessity.

Report received.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Tuesday, July 1, 1845.

MINUTES.] BILLS. *Public.*—1ª. Dog Stealing; Statute Labour (Scotland).

2ª. Courts of Common Law Process; Court of Session (Scotland) Process; Courts of Common Law Process (Ireland); Real Property (Lord Chancellor's).

Reported.—West India Islands Relief.

3ª. and passed:—Outstanding Terms; Public Museums; Sir Henry Pottinger's Annuity; Church Building Acts Amendment.

Private.—1ª. Runcorn and Preston Brook Railway.

2ª. Marquess of Donegal's Estate; Keyingham Drainage; Belfast Improvement; Manchester and Birmingham Railway (Ashton Branch); Lynn and Dereham Railway; London and Brighton Railway (Horsham Branch); Londonderry and Enniskillen Railway; North Wales Mineral Railway; Chester and Birkenhead Railway Extension; Cornwall Railway; Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches) Railway; Ulster Railway Extension; Manchester, South Junction, and Altrincham Railway; Bristol and Exeter Railway Branches; Dublin and Drogheda Railway; Eastern Union Railway Amendment.

Reported.—Manchester, Bury, and Rossendale Railway (Heywood Branch); Whitehaven and Furness Railway; Eastern Union (Bury St. Edmund's) Railway; Dundalk and Enniskillen Railway; North Woolwich Railway; Guildford Junction Railway; Winwick Rectory; Glasgow, Paisley, Kilmarnock, and Ayr Railway (Cumnock Branch).

3ª. and passed:—Gildart's (or Sherwen's) Estate; Manchester Improvement; Bridgewater Navigation and Railway; Edinburgh and Glasgow Railway; Waterford and Kilkenny Railway; Newcastle and Darlington (Brandling Junction) Railway; Southampton and Dorchester Railway; Lancaster and Carlisle Railway; Hartlepool Pier and Port.

PETITIONS PRESENTED. From Landowners and others of Sheffield, against the Sheffield Waterworks Bill.—By Duke of Buccleuch, from Presbytery of Selkirk, against the Universities (Scotland) Bill.—From Cork, for Amendment of Law whereby Rural Districts in Ireland attached to certain Boroughs are partially annexed to adjoining Counties.—From Merchants and others of Armagh, against the Banking (Ireland) Bill.

RAILWAY AND OTHER BILLS.] Lord *Brougham* moved the Order of the Day for taking into consideration the Resolutions relating to Railway and other Bills of which he had given notice. [These Resolutions will be found, as amended, in the Report of July 3rd.]

The *Lord Chancellor* suggested that their Lordships ought not to pass the Resolutions until they saw what Resolutions were agreed to by the House of Commons. He was decidedly of opinion that the House should proceed by Resolution.

Lord *Brougham* said, that if they waited for the House of Commons, the House of Commons would say they waited for the Lords; and so the Resolutions would fall to the ground. If the Crown were advised not to prorogue Parliament, but to let both Houses adjourn from time to time, there would be no difficulty, as the Bills would be *in statu quo* when business was resumed. It was not only perfectly competent for the Crown to take the course he had suggested, but it had been done more than once.

PUBLIC MUSEUMS, &c., BILL.] Lord *Wharncliffe* moved the Third Reading of he Museums, &c., Bill.

Lord *Brougham* expressed his dissatisfaction with the Bill in its amended state.

Lord *Campbell* approved of the Bill. It was intended to remedy a defect in the existing law.

The *Lord Chancellor* said, as he read the Bill, a person laying his finger upon a plaster-cast in a shop window would come within the provisions of the Bill, and might be liable to two years' imprisonment, hard labour, and private whipping.

Lord *Brougham:* The punishment was the same as inflicted for felonies of the highest character. He was perfectly astonished at such a Bill coming from the Commons.

Lord *Campbell* said, if the Bill were

worded as the noble and learned Lord stated, it had been incautiously worded by the Government in the other House of Parliament, where it had been introduced by the Solicitor General.

The *Lord Chancellor:* I see very little trace of the Bill as it left the House of Commons in the Bill now upon the Table; it has been altogether new modelled under the superintendence of my noble and learned Friend. Let it be imprisonment for three months, and say nothing of hard labour; surely that is imprisonment enough.

Lord *Brougham:* Without hard labour.

The penalty finally agreed upon was imprisonment for a term not exceeding six months, with hard labour or private whipping.

The Bill read 3ª time.

Amendment made; Bill *passed.*

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 1, 1845.

MINUTES.] NEW WRIT. For Exeter, v. Sir William Webb Follett, deceased.

NEW MEMBER SWORN. Sir John Hope, Bart., for Edinburghshire.

BILLS. *Public.*—1°. Charitable Trusts; Ecclesiastical Courts.

Private.—1°. Ellison's Estate.

2°. Heaviside's Divorce.

Reported.—Coventry, Bedworth, and Nuneaton Railway; Duddeston and Nechell's Improvement (No. 2).

3°. and passed;—Runcorn and Preston Brook Railway; Newport and Pontypool Railway.

PETITIONS PRESENTED. By Viscount Adare, and Sir E. Hayes, from several places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Ellice, from several places, for Better Observance of the Lord's Day.—By Viscount Adare, from Archdeacon and Clergy of Llandaff, against Union of St. Asaph and Bangor.—By Mr. Ewart, from Dumfries, in favour of Universities (Scotland) Bill.—By Sir T. Esmonde, from Gorey, against the Colleges (Ireland) Bill.—By Mr. Bright, and Mr. Wortley, from several places, in favour of the Ten Hours System in Factories.—From Fishermen of Cellardyke, and several other places, for Better Regulation of Fisheries (Scotland).—By Mr. T. Duncombe, from J. T. Perceval, against Lunatics Bill.—By Sir H. Douglas, from Mayor and others of Liverpool, against Lunatic Asylums and Pauper Lunatics Bill.—By Sir T. Esmonde, from Wexford, for Alteration of Physic and Surgery Bill.—By Mr. Villiers, from Members of the Royal College of Surgeons residing in Stafford, for Postponement of Physic and Surgery Bill.—By Mr. Corry, from Fintona, in favour of Physic and Surgery Bill.—By Mr. E. Ellice, from several places, for Alteration of Poor Law Amendment (Scotland) Bill.—By Sir E. Hayes, from Board of Guardians of Stranorlar Union, for Relief from Payment of Loan (Poor Relief (Ireland) Act).—By Mr. Ewart, from Old Meldrum, for Diminishing the Number of Public Houses.

THE BOARD OF ADMIRALTY AND THE RAILWAY COMMITTEE.] Captain *Berkeley* moved—

"That the Resolution—'That no private Bill for the construction of Railways, or other Public Works, to which the consent of the Admiralty is required, will be committed, until the decision of the Admiralty shall be communicated to the House,' be made a Standing Order."

Lord *G. Somerset* thought the House ought not to agree to this proposition, because it was, in fact, asking the House to suspend its proceedings until a Government Board gave its opinion on the railway schemes brought before it. This was the most extraordinary proposition he had ever heard. Certainly the Committees had the means of arriving at a more correct estimate of the value of the Bills before them than the Board of Admiralty could possibly have. He was quite opposed to the Motion of the hon. and gallant Member.

Mr. *Warburton* did not see why the House should be precluded from going into the evidence on any railway project until they had received the consent of the Board of Admiralty.

Captain *Berkeley* replied: His argument was, that the Admiralty should have the power of protecting the public, and individuals also; and he would give the House an illustration. Supposing an individual had a right to a ferry over a navigable river, and that a projected bridge would destroy his interests, as well as the navigation of that river. He was too poor to prosecute an opposition before that House, but he memorialised the Board of Admiralty, and they took measures for that purpose. He should take the sense of the House on the subject.

The House divided: Ayes 22; Noes 70: Majority 48.

R MY ENLISTMENT.] Captain *Layard* rose to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct inquiry to be made how far the reduction of the period of service in the Army, from the present unlimited term to ten years, would tend to procure a better class of recruits, diminish desertion, and thus add to the efficiency of the Service."

The hon. and gallant Member said that in bringing under the consideration of the House so important a Motion as the present, he trusted he might venture to claim its kind indulgence and patient attention;

an indulgence which he felt would be required for the weakness of the advocate; an attention which was demanded for the importance of the cause. It was no hastily formed opinion that he had come to in believing that a limited service of ten years, instead of the present enlistment for life, would not only materially benefit the service, but the country, as by that means, he felt assured, a much superior class of men would be found to enlist, and, consequently, less crime of every description would be committed, but particularly desertion, the greatest military crime of which a soldier could be guilty. He thought the best way of bringing this subject more fully under consideration was to divide it into different classes; first, the impolicy of the present system, and the dislike evinced towards it, not only by the soldier, but by the country at large, and the crime and punishment to which it led; and, secondly, the arguments which might be brought against limited enlistment, which arguments he trusted he should be enabled successfully to combat. When we took under consideration the great extent of territory, and the millions who acknowledged the sway of the British Crown, and then remembered the smallness of the force by which the peace and integrity of that vast Empire is to be maintained, it struck him that some alteration ought to be made in the formation of that army, from which, by returns he held in his hand, he found the desertions in the last three years in Canada, Great Britain, and Ireland, where certainly not one half of our military force was employed, to be 7,537. 4,638 of these deserters had been either retaken or had given themselves up, still that left 2,899 unaccounted for; and when he referred to a Return which had been moved for by the hon. Member for Montrose, he found, that from the 1st January, 1839 to the 31st December, 1843, 3,355 men had undergone corporal punishment, and that 28,190 had undergone imprisonment. There could be little doubt that a great portion of the men composing that army had bitterly repented of unlimited enlistment. No one could doubt that the people of this country had the strongest objection to their sons entering the army; and well they might have, for when a man once enlisted, under the present system, he was lost to his family, and never could return, except, indeed, with a broken and impaired constitution. Young lads rarely enlisted from a decided predilection for a military life; this irretrievable and important step was commonly taken in consequence of some sudden thought, or fit of passion, occasioned by a domestic broil, chagrin, disappointment, inebriety, or want of work, or indigence; and perhaps a few were excited to take the shilling, the symbol of enlistment, by the finesse of a recruiting sergeant. They figured to themselves in their youthful fancies a thousand occasions of acquiring honour and distinction which never occurred. These romantic hopes make the whole price of their blood. Their pay was less than that of common labourers; and on actual service their fatigues were far greater. Hurried away by the impetuosity of youth, he was not aware of the consequence of his engagement, and it appeared an anomaly in the law of the country that while a young man was incapacitated for making a will, so as to dispose of real or even personal property before he had reached twenty-one years of age, he was, nevertheless, permitted to surrender his liberty for life. He trusted the House would permit him to read one or two extracts from that excellent work on the enlistment, discharging, and pensioning of soldiers, by Henry Marshall, deputy-inspector of military hospitals, a work strongly advocating limited enlistment, and dedicated to Sir Henry Hardinge, by whom it had been suggested in March, 1828. The first he would read was the following:—

"E. Pigott was enlisted in the East India Company's service; he was transferred to Cork, where self-made ulcers appeared on his legs, and when this scheme failed in procuring his discharge, he seemed to become an idiot. In September he arrived in Chatham, when he had the aspect of a genuine idiot. He was placed under observation for five weeks, during which period he never uttered a word distinctly. His looks were wild, his manners almost savage. He appeared to have lost all regard to decency, and became perfectly helpless; for he required to be washed and dressed like a child. He refused to take food when offered him; but, if it was set by him, he devoured it clandestinely, and occasionally would neglect it for a whole day. He was at first treated with great kindness; but, after some time, he became ferocious, and endeavoured to bite the orderlies, and used missiles, so that it was deemed necessary to confine him in a strait waistcoat. On the 3rd November he was examined by a board of medical officers, who stated that in their opinion Pigott was a

most determined malingerer, and affects insanity, and from his worthless character recommended his discharge. When his discharge reached Chatham, he seemed incapable of comprehending what it meant; it was repeatedly read to him with care and attention, he was told he might return to Ireland, but he seemed to pay no attention nor to understand what was said to him. On the 29th November, Dr. Davies applied to have him sent to the Military Lunatic Asylum at Fort Clarence, and Dr. Davies gave it as his opinion that he was not a decided malingerer, on the contrary, he says, I am inclined to believe that there has been throughout, and there certainly is now, a reality in the affliction. Weeks elapsed without any improvement, he was troublesome and outrageous. On the 12th of January, 1829, he was transferred to Fort Clarence; when he arrived he would neither stand nor speak; he lay with his legs doubled up, and his knees approaching his chest. When questioned, he sometimes emitted a hollow groan. He was rapidly and forcibly conveyed by a long subterraneous passage to the extremity of the establishment, where he was exposed to a shower-bath, well washed, and dressed in the hospital uniform. Owing to the gloomy appearance of the asylum, and the unceremonious manner in which he was treated, Pigott, no doubt, became greatly alarmed; he was placed in the whirling chair, which ultimately determined him to give in; he stated his disability was feigned, and detailed a course of the most persevering and determined fraud ever practised. On the 4th of March, one year from the time he enlisted, he was marched from Fort Clarence to the dépôt of the East India Company, perfectly sound in mind and body. The same night he joined the dépôt he deserted; but was secured next day, after a stout resistance, and finally sailed for Madras on the 7th of March."

This was one of hundreds of instances of what men would endure to escape from a service which they detested, on account of its duration. To prove the horror which many parents felt at their sons enlisting, he could not forbear quoting one instance of which many were on record. It was from the *United Service Gazette* of the 12th of November, 1837. An account was given there of a widow, at Long Ashford, whose son having enlisted, had afterwards, with great difficulty, obtained his release. He frequently threatened to take the same step again. The mother, assisted by her daughter, to prevent the execution of this threat, took the following fearful step! When he was drunk and asleep, the daughter placed the forefinger of his right hand on a block, and the mother chopped it off. Suicide was much more frequent among soldiers than among men of the same age and rank in civil life; the ratio of cases of self-murder among the cavalry branch of the service has been found to amount for a series of years to one suicide out of twenty deaths, or nearly one annually per 1,000 of the strength. This statement does not give the number who attempted suicide, but only where the result was fatal. Sir Henry Hardinge stated before the Commissioners on Military Punishments, that soldiers commonly maimed themselves to obtain their discharge, and even to become convicts. At one time three hundred men of two regiments attempted to destroy their eyesight, in order to procure their discharge. For his part, he could imagine nothing more trying to any man, when he once began to reflect, than to find that for life he had bound himself to the exactitude of military discipline. He knew it might be argued a very considerable expense would be entailed by any number of men abroad requiring to be sent home at the end of their service; but when it was taken into consideration that men after ten years' service were to have no pensions, he believed that so far from adding to the expense of the country, a very material saving would be effected; and he believed the saving would be so great, that it would enable the Government to grant a suitable pension to those who should re-enlist and faithfully perform twenty-one years' service. It likewise might be argued, that a large number of men abroad, at the same time claiming their discharge, might make the army inefficient; but that would be obviated by taking care that the 10 per cent., which was allowed for India, and the three per cent. for the other regiments abroad, above the effective strength, would enable the dépôts to keep those men at home who were near the period of their discharge. He would be told how little advantage was taken by men of limited service before, and which ceased by order of Lord Hill in 1829. His answer to this was, that the bounty for unlimited service was 17*s.* more than it was for limited, and that men in that situation seldom or ever calculated on the future; that it was the duty of a paternal Government not to make a hard or cruel bargain with any class of men, however inconsiderate they might be. Soldiers might obtain their discharge under the following regulations, but could not claim it. But, in his opinion, these regulations in many instances were highly objectionable, from the high rate which a

recruit had to pay in the earlier periods of service, and thereby putting it out of the power of many, and the very inadequate remuneration he received for that service at a later period. The regulation was as follows :—

Period.	Cavalry.	Infantry.
Under 7 years' service . .	£. 30	£. 20
After 7 ditto .	25	18
„ 10 „	21	15
„ 12 „	15	10
„ 14 „	12	5
„ 15 „	6	Free discharge at home, and in addition, three months' pay abroad.
„ 16 „	Free discharge	Free discharge, and, in addition, three months' pay at home, and six abroad
„ 17 „	Free discharge, and 3 months' pay	Free discharge, and six months' pay at home, and one year's pay abroad
„ 18 „	Free discharge, 6 months' pay	Free discharge, one year's pay at home, and one-and-a-half abroad.
„ 21 „		

To refer to the opinion given by many officers who were examined before the Commission on Military Punishment, that gallant officer, Sir Octavius Carey, said—

"Nothing can be worse than the materials of which the Army is composed, I do not mean that they are all bad men, but a great portion are taken from the worst ranks; they enlist from necessity alone."

Sir Archibald Campbell, who had served forty-five years, said, in reply to the question—

"Do you think if the soldier was enlisted for a more limited period it would tend to promote recruiting?—Yes, I found men who enlisted for limited service the best men, and I was always anxious for them to re-enlist—they came from a better class of society."

Lord William Bentinck, in reply to the inquiry—

"If giving commissions to privates would improve the description of recruit?" said, "All improvements in the service would facilitate recruiting. We should get a better description of men."

He feared he might tire the House by giving these extracts; but he must give the opinion of one, the soundness of whose judgment all must respect, the late gallant Lord Lynedoch. He thought enlistment for a limited period well calculated to obtain a better order of recruits, and to remove many causes which led to severe and ignominious punishments, so desirable to abolish; and Mr. Fox stated, on the 3rd of April, 1806, that he thought enlistment for life unsuited to the genius of the Constitution. He trusted that the right hon. Baronet at the head of Her Majesty's Government, who, in bringing forward the Budget, had stated to the House so well, so ably, and so justly, the arduous duties the army had to perform, —duties which were likely to be on the increase, as it had been necessary to send troops to New Zealand—and where, should this ten years' enlistment be allowed, the very best source of settlers would be available—he could bear witness to the attention the right hon. Baronet had always paid to any matters connected with the army; he trusted that as he had the power, so he would see the policy of altering a system which, to the mind of any thinking man, was both cruel and unwise. Among the nations of the earth Great Britain was the only one that enlisted her soldiers for life. In France, they had a short service; in India, a soldier might obtain his discharge after a period of three years, if in time of peace; in America, the period of enlistment for the regular army was five years; and in Austria, a very short time ago, they reduced the period of service from fifteen years to eight. Many hon. Gentlemen might say they did not understand military affairs, and that they were not prepared to vote on this subject; but he called on them not to be carried away by such a fallacious argument. It was not necessary to possess military knowledge; the knowledge that was necessary was that of justice and right, and he besought them to consider well before by any vote of theirs they condemned those who had maintained the honour and glory of their country, to a hopeless existence. He called on them to pause and consider ere they destroyed that hope, the bright star which all men require to light them o'er the rugged path of a chequered existence; and hon. Gentlemen must call to mind the enormous expense entailed upon the country by the numbers of men in gaol, and likewise the extra duty which the good and efficient soldier had to perform; likewise the large sum paid as reward for the apprehension of deserters; and from the large Colonial duty our army had to perform, few men ever had a chance of returning to the friends of home and youth. He besought them to take these things seriously into consideration. He might refer to Mr. Wyndham's speeches, and the debates which took place on former occasions; but he would not

do so, believing that circumstances had greatly altered. He had made it his business to consult many officers in the army, and with few exceptions they seemed to be of opinion that the proposed alteration to ten years would be most beneficial to the service. He could not help giving one quotation from Dr. Jackson, who had written "on *the Formation, Discipline, and Economy of Armies.*" He says—

"Limited service has a tendency to augment the defensive strength of a country, and perhaps to improve economical and moral habits among the people. Unlimited service, which adds little to the defence of a country, has a tendency to dissipate national sympathies, and corrupt moral character; for as it separates the soldier from the mass of the people, it alienates him from the interests of his own country, and thereby commits him to the will of a military commander as his lord and master for life."

Knowing that many other hon. Gentlemen intended to address the House on this subject, he should say little more at present, reserving himself for the reply, to which he believed he was entitled. But he must again recall to their attention the number of desertions, amounting to 7,537 in three years; of men who had received corporal punishment, 3,355; and of imprisonment, to the number of 28,190. He tendered his sincere thanks to the House for the kind indulgence it had shown him. In conclusion, he should read an extract from the opinion of a gallant and distinguished officer, whose opinion he thought few would venture to gainsay, one no less famed for his gallantry in the field than for his earnest desire for the welfare of the soldier; no one could doubt, he alluded to Sir Henry Hardinge, Governor General of India. That right hon. Gentleman had stated, in reply to a speech of his made in March, 1842, and in which he had recommended an alteration in the service, that—

"He (Sir Henry Hardinge) had, in 1839, introduced a system of allowing soldiers to obtain their discharge at a price in proportion to their length of service; and although it was feared by many officers that the plan would very much disturb the regiments of the line, it was found to operate most beneficially. Speaking from the experience of the last ten years, he (Sir Henry Hardinge) must confess that he agreed with the gallant Officer (Captain Layard), that perhaps a shorter period of service might be advantageously introduced; the question was deserving the consideration of Her Majesty's Government."

Believing that no party feeling would or could actuate any hon. Member on this occasion, and feeling convinced that Sir Henry Hardinge had only stated the fact, in saying it was a question well deserving the consideration of Her Majesty's Government, he would conclude by making his Motion.

Mr. *Sidney Herbert* would not trouble the House at any great length, while he stated the reasons why he could not accede to the Motion of the hon. and gallant Member. He would state the reasons both for and against unlimited enlistment in the briefest possible manner, and then leave the House to decide on which side the weight of argument preponderated, and whether sufficient grounds had been shown for taking the imposing step which was advocated by the hon. and gallant Officer. The hon. and gallant Gentleman relied on the authority of Mr. Fox to show that enlistment for life was not consistent with the spirit of the Constitution; but he (Mr. S. Herbert) believed that objection applied rather to other countries, where enlistment was compulsory, under the conscription system. With that condition, enlistment for life would certainly be contrary to the spirit of our Constitution; but it should not be forgotten that here it was the voluntary act of the individual who enlisted. The gallant Officer stated, as another objection to enlistment for life, that it tended to disseminate immorality; but the same complaint was made against the conscription in France, where young men were taken away for the army at eighteen years of age—the very period when their habits of life were to be formed, and when their character was most pliable, and they would be otherwise preparing to embrace the various professions to which their after-life should be devoted. But it should not be forgotten that the system for which the gallant Officer contended, had already had a trial in England. Enlistment for a limited period was provided for under Wyndham's Act; but the military authorities of the day found it to work so badly that they induced the Government to modify, and afterwards to repeal the measure altogether. The result of the trial under the limited service system proved that there was not that value attached to it by the private soldier which the gallant Officer had alleged. In 1821, when enlistment both for limited and unlimited service went on *pari passu*, there were 6,000 enlisted for an unlimited period, and only 281 for limited service:

and about the same proportion continued down to 1828, the last year before the limited enlistment warrants were withdrawn, when the numbers were 4,600 unlimited service, and only 73 limited service. But it should also be recollected that both species of enlistment were perfectly legal at the present moment, though the practice had been discontinued, or rather died a natural death. The system had been found to be a very unsound one, replete with inconvenience and expense, by the authorities of the Horse Guards. The gallant Officer must allow him to take this opportunity of stating that there was no truth whatever in the notion that the money received from soldiers who purchased their discharge from the service, was any source of profit to the State. It often happened that when soldiers had been bought out of the service two or three times by their friends or relations, they showed no disposition to leave the army; for they enlisted again. So far from the service being unpopular with the men themselves, this return to it after purchasing out was a common occurrence. If, according to the plan of the hon. and gallant Member, a pension should be given to soldiers for a limited period of service, it must necessarily be less than that at present accorded to soldiers; and the result would be that the pension would not be sufficient to keep the men, who would thus only be made paupers for the rest of their lives. The hon. and gallant Officer had mentioned a frightful number of desertions in Canada, Great Britain, and Ireland; but he had fallen into the error of calculating all the men, who rejoined the service, as retaken. Many men came back voluntarily, after desertion. Desertions arose from four or five causes. A great part of deserters were recruits, and in that list was included every man who had just had a riband placed round his hat, and received a shilling, though he had not seen a day's service. There were young men whose hearts failed them when the moment for leaving home arrived. A large proportion of desertions also took place in the second year after enlistment; and this arose from the circumstance of the first year of a recruit's life being extremely irksome, on account of the drill, and the course of discipline he was obliged to undergo. Another cause of desertion, which was not at all uncommon, was the result of a species of temptation which it was difficult for young men to resist; but the soldiers who thus absented themselves frequently rejoined the service. All these causes would apply to limited just as much as to unlimited service, as they formed the bulk of the cases of desertion. It was not among the old soldiers that desertions took place, for they remained in the service. With respect to the amount of desertions in Canada, it appeared from an account he possessed, that they had diminished one half during the last five years. In 1824, 1825, 1826, 1827, and 1828, the desertions in Canada were $5\frac{1}{2}$, $6\frac{1}{2}$, $4\frac{1}{4}$, and 6 per cent. In the last five years they were only 2, $2\frac{1}{2}$, $2\frac{1}{4}$, and $2\frac{1}{3}$ per cent.; therefore, there had been a diminution in the number since 1828 to the extent of one half. He did not think that desertions were caused by enlistment in the service for life; and he begged to remind the House, that of recent years the state and condition of the soldiers had been greatly improved. Greater care was bestowed on their comforts and recreations, and greater attention paid to their moral and religious culture. These measures had been attended with beneficial results; and, at the present moment, he believed they could raise 10,000 or 20,000 men without the slightest difficulty. In every respect, the soldiers' condition was now better cared for, and this was the reason why there was no indisposition among the population to enter the service. The hon. and gallant Officer said, that the country was not justified in making a bargain with young inexperienced men, by which they bound themselves to enter the service for life. If the hon. and gallant Officer meant to say that these men, at the time of entering the service, were too young to judge for themselves, it would then be equally improper to enlist them, as proposed by the hon. and gallant Officer, even for ten years. The hon. and gallant Officer had made a statement with regard to suicides; but he (Mr. S. Herbert) was not aware that the amount of suicides in the British army was greater than the amount in any other army, which was differently composed. He apprehended that it would be found that in the French army when the period of service was very short, the suicides were greater in amount. He did not mean to assert that the system now in practice in the management of the British soldier was perfect; on the contrary every effort should be made to improve it. Under the direction of the noble Lord (Lord Howick), great care had been taken of the moral culture of the army. Regimental schools had been established—care had been taken to suit the food, the hours, and the clothing, to

the climate in which the regiment was stationed—the system of reliefs had been improved—libraries for the men had been collected, and five-courts and similar recreations provided for them. Very material changes had been made, and the result of all was, that the comfort and well-being of the soldiers were more effectually secured. In the same way the system of increased pay for good conduct had had a most excellent effect; and he believed that there were now 12,000 men receiving increased pay for good conduct, though the good-conduct warrant had been but a short time in operation. He might also mention the advantages which had resulted from the practice of investing the money of soldiers in savings' banks. After their return from abroad, it might be that they had to receive prize money, and if this money was at once paid over to them, they might either be robbed of it by the Jews, or be induced to spend it in debauchery. The plan had, therefore, been adopted of paying over the prize money due to troops to savings' banks, on account of the men. He was aware that there could be no authority in the colonels to prevent the men drawing out their money, if they chose; but he had requested the commanders of regiments to use their influence with the men to induce them not to draw out their money and waste it away, but rather to reserve it as a resource for the future. It was by carrying out the system already adopted, by attending to the health of the soldiers in tropical climates, by bestowing care upon their moral and religious culture, and by the display of an earnest desire, not only on the part of the military authorities, but also on the part of that House—that he relied for making the service popular with the men. The right hon. Gentleman concluded by expressing his opposition to the Motion.

Mr. *Hume* thought that there was much more involved in the Motion of the gallant Officer than the right hon. Gentleman seemed to consider. He had asked for Returns respecting the desertions in regiments on foreign service; but he had been unable to procure them. He believed that most of them occurred in consequence of the regiments being ordered to India, Ceylon, and other tropical climates. He thought that a soldier should be allowed to demand his discharge at the end of ten years; and if this were done it would be beneficial to the character of the army and to the comfort of the soldier. Sir Henry Hardinge suggested that the period of service should be fifteen years; but this five years prolonged service might prevent the men returning in such a way to civil life as would make them good citizens and efficient members of society. After fifteen years' service in the army, a man became unfit for anything but a soldier. His own opinion was, that it would be desirable to allow the men the option of enlisting for a period of seven years, and this would induce men of a better class to enlist. This was a proper period — namely, in time of peace—to make the experiment; and he was sure that, if tried, it would be attended with success. He trusted the whole system of punishment in the army would be revised. He trusted that the Government would promise to look into the case presented by this Motion. If such a declaration was made, he trusted his hon. Friend would withdraw his Motion, as he was quite unwilling that a Motion on such a subject should be negatived, as it was not a party question, but involved considerations in which they were all most deeply interested.

Sir *Howard Douglas* said, he concurred with his right hon. Friend the Secretary at War, that a case had not been made out for reverting to the practice of enlistment for a limited period. This was rendered unnecessary by the provisions of the warrant of 1829, which enabled soldiers to purchase their discharges for sums varying from 20*l.* to 5*l.* for infantry under fifteen years service, and from 30*l.* to 12*l.* for cavalry; and not only enabled soldiers to obtain free discharges after fifteen years service, but actually granted a premium to induce the soldier to take his discharge, in the shape of a bonus, varying from three to six, twelve and eighteen months full pay, with some variations respecting home and foreign service, after the corresponding periods of fifteen, sixteen, seventeen, eighteen, and twenty-one years service; which he (Sir Howard Douglas) was happy to say, few comparatively took, and which being an improvident commutation for any soldier of that standing to accept, had very properly been abolished. To extend further to soldiers of good conduct the privilege of purchasing or obtaining free discharges after a shorter period of service, and on more moderate terms, the warrant of 1833 prescribed, that the period of service under which discharges might be purchased at the rate of 30*l.* for cavalry and 20*l.* for infantry,

should be reduced from 7*l.*, as by the warrant of 1829, to five years. After seven years, with one distinguishing mark, that the purchase money be reduced from 25*l.* cavalry, and 18*l.* infantry, to 20*l.* and 15*l.* respectively. After ten years service, with one distinguishing mark, from 21*l.* cavalry, and 15*l.* infantry, to 15*l.* and 10*l.*; after twelve years with one distinguishing mark, from 15*l.* cavalry, and 10*l.* infantry, to 10*l.* and 5*l.* After fourteen years service, with one distinguishing mark, from 12*l.* cavalry, and 5*l.* infantry, to 5*l.* cavalry, and a free discharge for infantry. After sixteen years service, with one distinguishing mark, a free discharge, with the right of registry for deferred pension of 4*d.* a day. After sixteen years service, with two distinguishing marks, a free discharge, with right of registry for deferred pension, of 6*d.* a day. This amounted, virtually, to an optional system of limited service, either by free discharge, or by purchase at very moderate rates. The right hon. Secretary at War had correctly stated, that the system of limited service had died a natural death. During the eight years preceding 1829, when both limited and unlimited enlistment went together, 82,000 men enlisted for unlimited service, and only 2,000 for limited service. And the numbers of each class enlisted during the first and last four of these eight years, show such a diminution in the proportion of limited service engagements, that it lapsed, in fact, almost to nothing, and was discontinued. The great inconveniences and disadvantages resulting from limited periods of service, had been adverted to by the right hon. Gentleman. To this he (Sir H. Douglas) would add, that all those difficulties and disadvantages which were so much felt and complained of in continental services, would be enormously aggravated in our case, in which the great bulk of the military force was serving in the Colonies. It would greatly complicate the system of reliefs, which it was already very difficult to keep regularly up, and add greatly to the expense for the conveyance of troops. Nor did it appear, that the exclusive system of unlimited engagement was productive of increased desertion. It seemed the reverse. The Return which the right hon. Secretary of War had read with respect to Canada, for instance, showed that during the five years preceding 1829, when limited service existed, the per centage of desertion was double—more than double, what it was in the five last years. He (Sir H. Douglass) did not think, then, that an enlistment for a limited period, would be beneficial to the service, or advantageous to the country—that it would of itself attract to the service superior classes or descriptions of men—that it would tend upon the whole to pecuniary economy; to the benefit of the soldier, or to the efficiency of the British army—that it would prevent desertion, nor of itself produce diminution of crime—that it would, in short, of itself, remedy any of the serious evils which the hon. and gallant Member had specified. The only mode by which those evils could be effectually remedied was, by the adoption and the prosecution of every measure calculated to raise the spiritual and moral condition, and improve the physical comfort of the soldier, and inculcate sober and provident habits. This, he (Sir H. Douglas) thought, was gradually and steadily effecting, by the measures to which his right hon. Friend had adverted. He (Sir H. Douglas) gave credit to the hon. and gallant Member for the ability and good intentions which he evinced; but thought that this was a matter which might safely be left to his right hon. Friend, charged with the administration of the army, and to that illustrious commander, and his able and experienced assistants, by whom the British army was maintained in its present state of, unquestionably, perfect efficiency.

Mr. *Williams* would vote for the Motion, and if it were lost, he hoped the subject would not be lost sight of by the Government.

Captain *Layard* thought no answer had been made to the case he had laid before the House. Sir Henry Hardinge, an authority on military matters equal to any in or out of the House, had emphatically declared the subject to be one calling for the serious consideration of Government. There could be no doubt that the practice of enlisting men at the age of eighteen led to a vast extent of mortality in our army. If he followed his own inclination, he should divide the House; but as hon Gentlemen seemed averse to his doing so, he would bow to their wish.

Motion negatived.

PUBLIC EXECUTIONS.] Mr. *M. Milnes* rose "to call the attention of the House to the evils attendant on the present mode of conducting the public execution of criminals." He said, that his object was to give the Judges authority to appoint

at their discretion, places for the execution of criminals within the walls of prisons. No man was more convinced than he was of the evils attending private executions, or of the necessity of publicity. The real question was, what should be then ature of that publicity? He thought that the full ends of a public execution could be attained by an execution within the walls of a prison in the presence of properly authorized persons. That practice had been adopted in Pennsylvania, and since then in all the Northern States of the Union. The circumstances that had transpired of late in consequence of the admission of the public to the condemned sermon, had more particularly induced him to bring forward this Question at this late period of the Session. But the truth was, that the public feeling had very considerably advanced on the subject, so much so, that the Home Secretary had issued his order to exclude all but certain authorized persons from the condemned sermon; and this step had been taken in accordance with a very general expression of public feeling argued in favour of an advanced state of civilization in this country. In some foreign countries they were not so advanced. In Bavaria a custom existed of allowing the whole population to go through the cell of the condemned criminal for a small payment, which went to his family afterwards. Executions in this country formerly were conducted as spectacles for the people. It was supposed that they would work on the public mind, to the prevention of crime; and the practice was kept up to a late period. The progress of civilization had already done a great deal to put an end to the revolting circumstances which attended public executions in former times, and the same civilization now demanded that the circumstances still attending our public executions should be still further altered. The plan he was prepared to recommend was, that the Judge who passed sentence on the prisoner should also be authorized to name the place (within the walls of the prison) of his execution. He proposed that the execution should take place in the presence of the authorities, and also that the reporters of the public press should be admitted. The press afforded the true publicity, and it was right, therefore, that the reporters should be admitted. Public executions were defended on the ground that they improved the morals of the people. This could hardly be the case, when they reflected that those who attended executions were the dissolute and the desperate, and they were looked at as a sort of gladiatorial exhibition, and were visited as a kind of barbarous diversion. The hon. Member was proceeding, when

An hon. *Member* moved that the House be counted, and there being only thirty-two Members present, the House adjourned at a quarter to eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 2, 1845.

MINUTES.] BILLS. *Public.*—2°· Turnpike Trusts (South Wales).

Reported.—Seal Office Abolition.

Private.—3°· and passed:—London and South Western Railway (No. 2).

PETITIONS PRESENTED. By Mr. Divett, from Jaspar Parrott, of Totnes, complaining of Breach of Privilege.—By Mr. Charteris, from Landowners, Tenant Farmers, and others, of Bishops' Cleeve, for Relief from Agricultural Taxation.—By Mr. Wodehouse, from Maltsters of Norwich, for Repeal of the Malt Duty.—By Mr. W. Browne, and Mr. C. Buller, from Lockwood, and Bradford, in favour of the Ten Hours System in Factories.—By Mr. S. O'Brien, from Kettering, in favour of the Field Gardens Bill.—By Mr. S. Crawford, from Crossgar, and Clonpriest, for Alteration of Law relating to Landlord and Tenant (Ireland).—By Mr. Wodehouse, from Agriculturists and others of several places in Norfolk, in favour of the Malt Drawback Bill.—By Mr. H. Stuart, from Bedford, in favour of Physic and Surgery Bill.—By Mr. H. Berkeley, from Inhabitants of Bristol, for Abolition of Punishmeut of Death.—By Mr. Cole, from Grocers and Wholesale and Retail Spirit Dealers of Enniskillen, for Alteration of Law relating to the Spirit Trade (Ireland).—By Viscount Bernard, from Residents of East Musketry, Barretts, and Cork, for Relief (Tralee and Cork Roads).

LUNACY—COMMISSIONERS' SALARIES AND EXPENSES.] Lord *Ashley* moved the bringing up of the Report of the Committee on the Lunacy Salaries and Expenses.

Mr. *T. Duncombe* objected strongly, and complained that the whole affair bore the appearance of a job, by which certain Commissioners were to be rewarded with salaries of 1,500*l.* a year for visiting lunatic asylums, the expense of which was to come out of the Consolidated Fund. The hon. Member for Weymouth (Mr. Bernal) had moved for important Returns upon this subject, not yet laid upon the Table; and the House was otherwise lamentably deficient in the necessary information to enable it to legislate. Neither were the Commissioners such extraordinarily learned and deserving persons as they represented themselves. Mr. Perceval, who had once been a victim to the

system of private lunatic asylums, although at present one of the guardians of the poor for the parish of Kensington, and whose petition, on a former day, he had presented, said of them—

"The Board of the Metropolitan Commissioners in Lunacy is, in practice, contrary (as your petitioner believes) to the intentions of and without the real knowledge of Parliament—a closed and secret court, where persons confined in asylums, without the knowledge of the charges brought against them, and without even any one specific charge amounting to a proof of insanity, have their cases inquired into behind their backs, without notice being given to them of the day on which such inquiry is to take place; without the power of being present by attorney, or of sending a friend to watch the proceedings, without any knowledge of the evidence produced against them; and consequently without power to cross-examine, refute, or answer the same. That the delays necessary to such a course of proceedings are very great, but that they are cruelly aggravated by the long intervals of time that elapse between each inquiry.

And Mr. Perceval added—

"The present Bill tends to continue and to sanction this system, which is foreign to and hateful to the Constitution of these realms, and furthermore tends to erect another Committee with their Commission, still more secret, for the inquiry into the cases of persons confined as of unsound mind in private houses."

He wished that no such place as a private asylum existed; for the House would be horrified at some of the barbarities that had been committed under the very noses of those Commissioners who were paid such high salaries to prevent them. He was ready to prove, before a Committee, the gross cruelties and oppression practised upon unhappy persons left to the mercy of the keepers of lunatic asylums; many parties were ready to give evidence, and many others were at this moment groaning under illegal detention. He wished to know why this Bill was pressed forward with such haste, when the existing law would not expire until the end of next Session? It had been introduced as lately as the 13th of June—it was read a second time before it was dry from the press—it went through the Committee *pro formâ*—and was now reprinted in 117 clauses. The only clause he could approve of was that enabling the Commissioners to visit asylums where there were only one or two inmates. Until it had been shown that the public money had hitherto been properly expended, he would not consent to the Motion of the noble Lord, and would move, therefore, that the Report be taken into consideration on that day six months.

Lord *Ashley* did not expect to have been called upon to enter into the subject on moving a dropped order. The whole discussion could be taken on the clauses. The hon. Member for Finsbury had spoken of the measure having been hurried on with indecent haste. He did not see how such a charge could be made, inasmuch as the measure had been introduced on the sixth of the last month, and the subject had been discussed at various times during the last three years. If the hon. Member would allow him to go into Committee, he would undertake to satisfy him of the propriety of the grant being made. The Bills had been submitted to, and had received the sanction of, the Government and the Poor Law Commissioners; and as both the the principle and details of the measure could be discussed fully hereafter, he hoped the hon. Gentleman would not press his opposition in the present stage, but allow him to go into Committee, when he had no doubt he should be able to dispel all his objections to the measure. He hoped he would consent to such a course out of kindness to the unfortunate individuals for whose accommodation the provisions of the Bill were intended.

Mr. *F. T. Baring* hoped his hon. Friend would not press his opposition to a division; but would allow the Report to be brought up. Such a course would not bind the House to any decision on the subject. He hoped his hon. Friend would not stand on a point of form.

Mr. *M. Gibson* thought the Bill ought not to be allowed to pass the present stage as a matter of form. It was said they might agree to every stage excepting the last, as they had the power of rejecting the measures then; but he did not think that hon. Gentlemen, who objected to give money to the Commissioners, could agree to the grant of the power to the Commissioners.

Mr. *Manners Sutton* said, it was obvious that they could not discuss the merits of the measure in its present stage.

Mr. *R. Vernon Smith* thought it would be better to defer all discussion of the principle of the Bill until they were in Committee.

Mr. *Darby* said, that there were some clauses of the Bill which must undergo

alteration; and unless they were made he should feel it his duty to oppose the measures; but as such alterations must be made in Committee, he did not consider himself justified in preventing a measure of so much importance from going into Committee.

Mr. *T. Duncombe* wished the Bill to be postponed until next Session, in order that an inquiry might be made as to the manner in which the Commissioners had discharged their duty. He had a duty to perform to the unfortunate creatures who were the objects of this Bill, and he was determined to persevere in his Motion of postponement. He would divide the House on every stage, if the noble Lord persisted in pressing on the Bill this Session.

The House divided:—Ayes 117; Noes 15: Majority 102.

Report received.

PRIVILEGES OF THE HOUSE.] Mr. *Divett* had a petition to present, which required the immediate attention of the House. It was from Mr. Parrott, the late Member for Totness, and stated that in the course of last year he had been summoned before a Committee on medical relief to the poor, of which the noble Lord the Member for Dorsetshire was chairman, to give evidence of transactions which had taken place in the Union of which he was chairman; that he attended and gave such evidence; and that very recently he had received a communication, stating, that he was about to have an action brought against him for giving his evidence on that occasion. He had, however, taken no notice of it, and further proceedings had been adopted, a declaration having been filed on the 26th of last month, to which he had eight days to plead. He further stated, that he had not said anything against the individual who had brought the action in any other place than before such Committee. The declaration stated, that he had been guilty of giving false evidence and libelling the individual referred to: this the petitioner denied, and from inquiries which he (Mr. Divett) had made, he believed that the evidence of Mr. Parrott was in strict accordance with the truth. The petitioner prayed, that the House would take the matter into its consideration, and grant him protection against the said action. If the House was not prepared to shield and protect individuals whom they commanded to give evidence before Committees, they would abdicate some of their most important functions. His conviction was, that this was a question materially affecting the privileges of the House; but he merely claimed for Mr. Parrott that protection which he believed it was the duty of the House to extend to him. The declaration required him to plead on Friday next; and it was therefore desirable that there should be some expression of the opinion of the House as soon as possible. He need hardly state that Mr. Parrott was a public spirited man, but the proceedings which had been commenced might subject him to great expense; and he was, therefore, justified in coming to the House for its protection. He should move that the petition be printed with the Votes, and taken into consideration to-morrow.

Petition laid on the Table, and ordered to be printed.

FIELD GARDENS BILL.] House in Committee on the Field Gardens Bill.

Mr. *Curteis* objected to the 1st Clause, which empowered three ratepayers of any parish to call a meeting on the subject of the allotment of land for gardens; he thought the number ought at least to be six.

Mr. *Roebuck* understood that the Government entertained some objections to the Bill, on account of its interfering in some measure with the Poor Law. He wished, therefore, to know whether the right hon. Baronet the Secretary for the Home Department was prepared to give his sanction to it?

Sir *J. Graham* said, that the hon. Member who had brought in the Bill had substituted the highway rate instead of the poor rate, which removed the objections of the Government. The hon. and learned Gentleman was probably aware that since the last discussion on this Bill it had been re-committed, and all the clauses relating to the Poor Law had been withdrawn. To the 19th Clause he had several objections; but he had reason to believe that the hon. Gentleman who had introduced the Bill, was willing to consent to the omission of that clause. If he did consent to its omission, then his (Sir J. Graham's) insuperable objections to the measure would be removed. His mind, however, was undecided as to the

practical utility of the Bill. If, however, the 19th Clause were omitted, he should have no objection to give the Bill his support.

Mr. *M. Gibson* looked upon this Bill as a species of romance—there was nothing sound or real about it. It was not calculated to do good. The opinion of the ablest men in the country, including the Poor Law Commissioners and other public officers, was opposed both to the principle and details of the measure; and it was trifling with the time of the House to proceed with it any further, unless there was a *bonâ fide* intention to carry it into a law. If his hon. Friend the Member for Bath would move that the Chairman do report progress and ask leave to sit again that day six months, he would support the Motion.

Mr. *Cowper* was willing to abandon the 19th Clause, on the intimation which he had received from the right hon. Gentleman. The object of the Bill was to provide allotments of ground for labouring men to cultivate as small gardens, so that they might have the benefit to be derived from such cultivation. The hon. Member for Manchester had designated the Bill as rather romantic than practicable. No doubt the measure was a mere romance to him; but it was not so to the poor man. In many parts of Leicestershire and Northamptonshire the poor were in the habit of employing their leisure time in cultivating gardens, and such a measure would be of vast benefit to them. He believed that all persons who were practically acquainted with the subject were in favour of garden allotments. Although it might be true, as had been stated by the hon. Member, that the Poor Law Commissioners were opposed to the measure, still it was a fact, that all who were really acquainted with the allotment system and with political economy were in favour of it. The tendency of the Bill, so far from depressing wages, went to raise them; because, by giving the labourer the possession of a little property under his own control, it would make him more independent of his employer.

Mr. *Roebuck* said, he should beg to move at once that the Chairman do report progress, and ask leave to sit again. There was no denying the fact, that the working man in England was maintained by wages; and they had the example of a neighbouring country, Ireland, where the cottier system prevailed, of the misery which was sure to follow were they to place the poor man here in a similar position. The labouring man could not serve so bad a master as himself, and for this reason, that he had not capital wherewith to pay wages to himself. He, the poor man, would not get sufficient wages under this Bill. It was merely intended, in the words of the hon. Member by whom it had been introduced, to give him an opportunity of devoting the fringes of his time to eke out his wages. He had no objection to the poor man employing his leisure moments to the best advantage; but what he wanted was, to protect the labourer against the person by whom he was employed. He should consider it a degradation to the working man to be obliged to accept these allotments as a part of his wages. The allotment system had been already tried, and had failed. Many hon. Gentlemen were familiar with the exertions which had been made by Mrs. Gilbert to establish it, but without success. A poor man was obliged to expend some 5*l.* or more, on entering into the possession of one of these gardens, and when he found himself afterwards unable to pay the rent of it, he was left no alternative but to go to the workhouse. He had at least twenty cases of this nature sent to him; and he would certainly have brought them down to the House, if he had thought the measure would have been proceeded with that evening. He would pledge himself, however, to bring them before the House at another time.

Mr. *Sharman Crawford* thought the hon. Member (Mr. Cowper) had been very unfairly treated in having his Bill allowed to advance to the present stage without these objections being urged against it. He believed that the House would make a move in the right direction in giving the labourer some other means of subsistence, and not leave him entirely dependent on wages. He did not understand what the hon. and learned Member for Bath meant by reprobating the idea of a poor man being his own master; but certainly the course which the hon. and learned Gentleman advocated would go, in his mind, to make the labourer a slave. He objected to the Bill as not going far enough, because it limited the quantity of land to be given to the poor man. He considered the granting of half an acre of land to a labouring man as a beneficial course; but he

would much prefer seeing him get an entire acre. The Bill of the hon. Member would, therefore, as far as it went, have his warmest support.

Mr. *Roebuck* wished to know on what ground the hon. Member charged him with being desirous to make slaves of the poor men, or what act of his life could allow such a construction to be put upon his conduct? He was merely anxious to save the people of England from being reduced to the position to which the Irish poor had been brought by the cottier farm system.

Mr. *S. Crawford* explained. He did not intend to make any charge against the hon. and learned Member, but had merely stated what he believed to be the necessary effect of the policy which the hon. and learned Gentleman advocated.

Mr. *Mangles* expressed his perfect readiness to meet the case on which the hon. and learned Member for Bath rested his argument. He did not know on what ground the hon. and learned Member should lay down as a principle that the labouring man should live by his wages, when it was well known to all who were conversant with the subject, that, in the agricultural districts, the labourers were unable to get wages. He did not state whether the facts which he mentioned supported the views of the hon. Member near him (Mr. Cowper), or of the hon. and learned Member for Bath; but he stated what he knew of his own knowledge to be the case. It was only last Sunday fortnight that he met one of the best labouring men of his own parish, who told him that he had been unable to get a single day's work in the preceding week. The hon. and learned Member could look out of his window in some of the fashionable squares, and tell the poor that they should live on their wages; but would he tell them, at the same time, how they were to get any wages? The hon. and learned Gentleman only showed how little he knew of the state of the agricultural districts when he put forward such arguments. He would undertake to show, in opposition to the statement of the hon. and learned Gentleman, that one of the greatest evils of the present condition of the agricultural labourers, was the utter hopelessness, as a general rule, of their raising themselves in their position. He was convinced that there might be fifty shopkeepers' apprentices, or fifty tradesmen or individuals in the other classes, who would be found to have raised themselves to a superior condition, for every one similar case among the agricultural classes. He could show five men who had raised themselves above their position, and who were now small farmers in comfortable circumstances, by means of the allotment system, for every one agricultural labourer that the hon. and learned Gentleman could produce who had so raised himself by wages alone. In fact, he never met a single instance of the latter kind in the whole course of his experience, and he did not believe there was one in evistence. He would go farther, and say, that he never knew an instance of a landholder who had tried the allotment system, and had let the allotment gardens at a fair and reasonable rent, who did not speak well of the system, and find it succeed. He might allude to the allotments made by Mr. Henry Drummond, in Surrey, as a proof of this fact. One poor man under that gentleman, to whom he had been speaking on the subject, had so far progressed in the world under it as to have now in his possession a farm of ten acres of land. And he did not believe there would be found any intelligent agricultural labourer who would not be found to speak favourably of the allotment system.

Mr. *Escott* said, all the advantages of the allotment system on which the hon. Member who had just sat down, had spoken, were those which existed without the interference of the present Bill, and which he believed the Bill would tend to destroy. He objected to allotments, being made a parish system, and part of the parish payment to the poor. The moment they established a parochial Board to distribute these allotments, it would become a mere parish proceeding, and nothing else. His object in rising was to state, that he thought the proper course to take would be to endeavour to improve the Bill as much as possible in Committee, and then to divide upon the third reading. He would, therefore, advise the hon. and learned Member to withdraw his Amendment.

Sir *James Graham* agreed with his hon. and learned Friend who had just sat down, that they ought to proceed in Committee upon the Bill. It was a matter of serious importance, and one for the fullest deliberation, whether the measure now

offered for their adoption was conducive to the improvement of the agricultural labourers or not. With several of the leading maxims laid down by the hon. and learned Member for Bath, he entirely concurred. He thought that the labouring population of this country, whether engaged in rural or manufacturing employment, must depend for support mainly on the fruits of their labour and industry derived from the capital of others; and he could not agree with the hon. Member for Rochdale (Mr. S. Crawford), that labourers would make a happy exchange if they were to become no longer dependent on wages, but on the profits of rural holdings of land. He thought the great misfortune of the country from which that hon. Gentleman came was, that there was no sufficient demand for labour there, and that the great body of the agricultural population were obliged to depend for their existence on small holdings of land, for the possession of which they were, therefore, obliged to make the greatest exertions. He also agreed with the hon. and learned Member, that experience was the test of theory; but these, after all, were not the points to be decided by the House, but whether gardens at some distance from the residences of the labourers, and given to them at a small rent, would not, under a proper system of management, be conducive to their improvement and welfare; whether such occupation, if tried upon a large scale, was likely to prove beneficial or otherwise; and whether it would have the effect of reducing the rate of wages. He was convinced that, if it were found practically to have the effect of reducing wages, the measure would be one of the most pernicious pieces of legislation that could be adopted; but he did not think it would have that result. Neither did he think, with the hon. Member by whom the Bill had been introduced, that the possessor of one of these holdings would be enabled to hold out against his employer for higher wages. He was satisfied that the notion of the measure having such a tendency would be a most fatal delusion to go forth among the people. Wages would not be raised by any such means; but, on the contrary, in any struggle between the labourer and his employer for higher wages, the man of capital would invariably be found to be the stronger party. But he was bound also to observe, that he heard with sorrow the fact stated by the hon. Member for Guildford, and which he had no reason to doubt, of an industrious agricultural labourer being left for an entire week at a time without any employment whatever. With respect to the Bill itself, he entertained great doubts whether all the benevolent hopes of the hon. Gentleman by whom it had been introduced would be realized; but still he thought that the system — all aid from the rates being withdrawn — might be advantageously brought into operation.

Mr. *Trelawny* should support the Motion of the hon. and learned Member for Bath, as it was an unnecessary interference with labour. The hon. Member for Hertford said, that the effect of this measure would be to raise wages. Now, he was satisfied that it would have the effect of lowering them.

Mr. *Stuart Wortley* said, that there was no subject with respect to which the testimony was so conclusive as the success of the scheme. Wherever the plan had had been adopted, it had been successful, not merely as regarded the physical, but also the moral condition of the labourers.

Mr. *Bright* felt bound to give his vote to the Amendment of the hon. Member for Bath, as he was satisfied that the effect of the Bill would be to increase the dependence of the labourers, and therefore add to the mass of pauperism in the country districts. Attaching small gardens to the cottages of agricultural labourers was desirable; but the present measure was intended to afford aid to persons in a state of distress. He had no objection to giving relief, but let it be given under that name.

Mr. *Darby* denied the correctness of the statement of the hon. and learned Member for Bath, that most of those persons to whom a few years ago allotments were made ultimately took refuge in the poor-house. He had the authority of the late Mrs. Gilbert, who had carried out this system so extensively, to state that the plan had been entirely successful, and that hardly a case ever occurred in which a person having an allotment was taken before a magistrate on any ground of complaint. He was convinced from his own observation that the plan had been productive of much good, and had bettered the condition of the labouring classes. He, however, preferred having a volun-

tary system of allotments, and he certainly should resist any attempt to introduce a compulsory system into his own parish.

Lord *Clements* objected to the Bill. He considered that the adoption of the system of conacre in Ireland had been productive of a great portion of the distress which unhappily prevailed in that country.

Mr. *Stansfield* thought that the whole success of the scheme depended upon its being voluntary. He approved of the principle of allotting garden fields; but it was most objectionable to adopt a system of enforced charity.

Mr. *Henley* thought that the Bill held out expectations to the labouring classes which it was certain never could be realized. He should support the Amendment.

Mr. *W. Cowper* denied that the effects of the measure were such as had been described by the hon. and learned Member for Bath; on the contrary, all experience showed that the result of the system, wherever it was adopted, was to ameliorate the condition of the labouring classes; and its tendency, so far from lowering wages, was to increase them. Complaints had been made that there was a compulsory interference with the landowners; now it was notorious that in many parts of the country the labourers were most anxious to obtain allotments of land, but they could not get them from the landowners; therefore, the voluntary system in such districts would be perfectly inoperative. It should be recollected that this was not to be a gift on the part of the landlord, but the full value was to be paid for the land.

Mr. *Newdegate* rather concurred with the hon. Member for Rochdale, who wished to give the labourer some degree of independence, than with those who desired to keep him in a condition of entire subservience.

The Committee divided on the Question, that the Chairman report progress:—Ayes 19; Noes 42: Majority 23.

Mr. *Henley* moved, that the qualification of the wardens should be their being rated to the poor 10*l*.

Mr. *Cowper* objected to the Amendment.

Mr. *Wakley* said, he would support the original proposition.

The Committee divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 26; Noes 17: Majority 9.

On the 5th Clause, which constitutes trustees for the administration of the field gardens,

Mr. *Collett* objected to the officiating minister being appointed in that capacity, and moved that the words "officiating minister" be omitted.

Mr. *Cowper* resisted the omission, and the Committee divided on the Question, that the words stand part of the clause:—Ayes 37; Noes 7: Majority 30.

On Clause 14,

Mr. *Milner Gibson* hoped that the right hon. Baronet at the head of the Government would assist the Committee with his advice upon this Bill. The right hon. Baronet the Home Secretary had lent every assistance in his power. The Bill before them he (Mr. M. Gibson) had every reason to believe was opposed by the Poor Law Commissioners. They would do but little good to the poor by the allotment system. The right hon. Baronet (Sir R. Peel) was not present at the early part of the night's proceedings, and the legislation of the Committee had partaken of a romantic and sentimental character, and his advice would be very seasonable. He did not think the right hon. Baronet would consent to the introduction into this country of a system which would reduce the labouring people of this country to a condition similar to that of a large portion of the Irish population. Let the right hon. Baronet give his advice now, and not by his silence, perhaps, hold out expectations to the hon. Member for Hertford (Mr. Cowper), which expectations might, after all, never be realized.

Sir *R. Peel* thought, that it would be premature for him to discuss, now that the Bill was in Committee, whether or not it was desirable that it should finally pass into a law. He had consented to the Bill going into Committee, under the impression that the views of the hon. Gentleman (Mr. Cowper) were pure and benevolent in undertaking to bring in a Bil which he thought would conduce to the welfare and comfort of the labouring classes; and these views entitled the Bill to a favourable consideration, in order to ascertain whether it could not be brought into a shape which would make it consonant with the public interests. He (Sir R. Peel) was not prepared to apply to the rural population of this country those

principles of political economy which many hon. Gentlemen were disposed to do. He thought that giving the labouring classes small allotments of land might conduce to their welfare and comfort. If they found that the possession of a small quantity of land conduced to the immediate happiness and welfare of these classes, he was very much disposed to look to the immediate practical benefits which would accrue, rather than to the remote tendencies which political economy was disposed to attribute to such a system. He thought that such was the principle on which most landed proprietors practically acted on this question; and if they found that the labourer, by cultivating his small piece of ground, could supply his family with some of the necessaries of life, what the tendency of that might be a hundred years hence he did not know; but they would find that, during their lives at least, they would promote the happiness of the labouring poor, wean them from degraded habits and from vice, and very much, in other respects, add to their welfare. Should the Bill pass through Committee, he should be sorry afterwards to find that considerations of public interest should arise to prevent its passing, and he hoped that hon. Gentlemen would not now throw any impediment in the way of perfecting the measure as much as possible.

Mr. *Bright* said, that the voluntary system of arrangement would do all the good which was expected to accrue from the allottment system, without doing any of the evils which he thought that system would introduce. He did not see how the hon. Member for Hertford could persevere with this Bill, and try to carry it through a third reading. It could not, by any possibillity, be put into action; and if it passed the House, it would to all intents and purposes fall as dead as if it had been thrown out upon the third reading.

Mr. *Cowper* said, that in parishes where it was wanted, the Bill would be put in force. Where it was not wanted, it would not be enforced.

Mr. *Wakley* thanked the right hon. Secretary of State for the Home Department for the manner in which he had assisted in this matter. The hon. Member for Manchester (Mr. M. Gibson) made an appeal to the right hon. Baronet at the head of the Government, and he had got his answer, and he hoped the hon. Gentleman was satisfied. He hoped also that the hon. Gentleman would now give his support to the measure. He was surprised at the part taken by the hon. Member for Durham (Mr. Bright), and at the objection raised by him. He had always understood the object of the hon. Gentleman and his Friends was to give increased food to the people; and yet he now came forward, and in reference to this Bill, which would have the effect of increasing the food of the labouring classes, advocated the voluntary system. If the principle of the Bill could be extended, and more than half an acre of ground allotted, he believed it would tend greatly to improve the condition of the agricultural labourer. If the Bill had been in any way damaged in its efficiency during its progress through Committee, he hoped the Government would stand forward at a later stage, and assist in restoring it to the shape in which it had been originally brought in by the hon. Member.

Clauses agreed to. Remaining clauses agreed to. The House resumed. Report to be received.

For the remainder of the evening, the House was engaged with the Lunatic Asylums and Pauper Lunatics Bill, which went through Committee, and with other business which occasioned no debate.

The House adjourned at two o'clock.

HOUSE OF LORDS,

Thursday, July 3, 1845.

MINUTES.] BILLS. *Public.*—1ª. Unions (Ireland); Brazil Slave Trade.

2ª. Assessed Taxes Composition; Games and Wagers; Administration of Criminal Justice (Lord Denman).

Reported.—Banking (Ireland); Real Property (Lord Chancellor).

3ª. and passed:—Granting of Leases; West India Islands Relief.

Private.—1ª. Bermondsey Improvement; Forth and Clyde Navigation and Union Canal Junction; Newport and Pontypool Railway; London and South Western Railway.

2ª. Glossop Gas; Shepley Lane Head and Barnsley Road.

Reported.—Quinborowe Borough; Winchester College Estate; Leeds and Hirsk Railway; Great North of England and Richmond Railway; Blackburn and Preston Railway; Trent Valley Railway; Totnes Markets and Waterworks; Great Southern and Western Railway (Ireland); Dublin and Belfast Junction Railway; Oxford Worcester, and Wolverhampton Railway; Oxford and Rugby Railway; Cork and Bandon Railway; Great Western Railway, Ireland (Dublin to Mullingar and Athlone); Great North of England, Clarence and Hartlepool Junction, Railway; Richmond (Surrey) Railway; Liverpool and Manchester Railway; Newry and Enniskillen Railway; Waterford and Limerick Railway; Eastern Union Railway Amendment.

3ª. and passed:—Glasgow, Paisley, Kilmarnock and Ayr Railway (Cumnock Branch); Manchester, Bury, and Rossendale Railway (Heywood Branch); Whitehaven and Furness Railway; Eastern Union (Bury St. Ed-

mund's) Railway; Dundalk and Enniskillen Railway; North Woolwich Railway; Guildford Junction Railway; Winwick Rectory; Huddersfield and Manchester Railway and Canal.

PETITIONS PRESENTED. By Lord Polwarth, from Legislative Council of New South Wales, for the Better Regulation of the Local Taxation of the Colony; and from Shareholders and others of City of Sydney (New South Wales) for Alteration of Law relating to the Disposal of Land, etc.

RAILWAY AND OTHER BILLS.] Lord *Brougham*, in moving the Order of the Day for taking into consideration the Resolutions of which he had given notice, said, he had to inform their Lordships, that upon the subject of the Resolutions which he submitted to their Lordships on Tuesday last, a most satisfactory conference had taken place with the Committee of the House of Commons; and it was found that that Committee had resolved to report to the other House of Parliament seven Resolutions which were entirely in accordance with the terms of the three Resolutions which he had proposed for their Lordships' adoption. His Lordship then moved the Resolutions, with Amendments:—

"1. That in all future Sessions, after any Road or Canal or Railway or Dock Bill shall be read a First Time, and before any further Proceeding thereupon, there be deposited in the Office of the Clerk of the Parliaments a Statement of the Length and Breadth of the Space which is intended or sought to be taken for the proposed Works, and to give up which the Consent of the Owners of the Land has not been obtained; together with the Names of such Owners, and the Heights above the Surface of all proposed Works on the Ground of each such Owner.

"2. That a Return shall also be presented at the same Time of the Names of the Owners or Occupiers of any Houses situated within Three hundred Yards of the proposed Works, who shall have, before the Thirty-first December preceding the Introduction of the Bill into Parliament, deposited written Objections to the said Railway with the public Officer appointed to receive the Plans of the said Railway within the Parish or Township in which their Property is situate; or, if the Railway should not be proposed to be carried through that Parish or Township, in the one through which the Railway is to pass in the Manner objected to by the above-mentioned Parties.

"3. That where any Party or Parties have appeared and contested any such Bills at the Bar or in the Committees of the House, it shall be lawful for the House or Committees, if in their Discretion they shall think fit, to direct the Expenses of such Party or Parties to be paid by the opposite Party promoting the Bill."

Two first Resolutions carried. The third postponed.

BANKING (IRELAND) BILL.] The Earl of *Ripon*, in moving that the House do resolve itself into a Committee on the Banking (Ireland) Bill, said, that the measure was so nearly identical with the Scottish Banking Bill, that he should not upon that occasion trouble them with any lengthened observations; and still less would it be necessary for him to state in detail the grounds upon which the measure rested. Thus much, however, he might say, that it was intended to give the Bank of Ireland privileges, as regarded issue, somewhat similar to those enjoyed by the Bank of England. The Bill which he now moved should be committed, was one that he had no doubt would prove highly advantageous to the joint-stock banks at present existing in Ireland; and he must say, that those establishments appeared to him to be eminently entitled to the support of the Government and of the Legislature, for they had conferred great benefits upon Ireland. With respect to the connexion subsisting between the Bank of Ireland and the Government, it was only necessary for him to say that such dividends on the public debt as were paid in Ireland should continue to be paid by the Bank of Ireland; and as regarded the interest which the Government paid to the Bank for the amount of its capital in the hands of the Government, that would be reduced to $3\frac{1}{2}$ per cent. The effect of the Bill, he hoped, would be to promote objects that the Legislature must be most anxious to promote, namely, commercial enterprise, and a development of the resources of Ireland by the extensive introduction of capital.

The Marquess of *Clanricarde* said, that the Bill was founded upon sound principles, and, on the whole, would be likely to prove beneficial to Ireland. But, with respect to the Bank of Ireland, it was only of late years that it could be said really to discharge those functions which the public had a right to expect from that establishment. Between the years 1814 and 1824, the manner in which the Bank of Ireland did business was so inconvenient, and towards the merchants of Dublin so unfair, that it became necessary to establish the Hibernian and the Royal Banking Companies; and he hoped that Her Majesty's Government would see the necessity and the justice of allowing those banks to circulate notes on the same security as the other

banks. Those banks had been conducted on the soundest and best principles; they had conferred great benefit upon the trading community, and had reaped considerable profit from their mode of dealing. The only objection against this proposal was, that an Act had passed last year putting a stop to further issue in the United Kingdom; but that Act really applied only to the banking transactions of Great Britain, and there was only one phrase in it which could be construed to extend the provisions to Ireland. The case of these two banks was one of extreme hardship; and he trusted the Government would allow the introduction of a clause giving to them, as well as to other banks, the benefit of breaking up the monopoly of banking in Ireland. He would not move any specific proposition in Committee; but if the Government refused to entertain the prayer of these banks, he should feel it his duty to move a clause on a future stage of the Bill.

Lord *Monteagle* did not wish to refuse his assent to the general principles of the measure; but there were some points to which he wished the Government would direct their attention. He approved of the joint-stock banking principle, if it were carefully managed, while the number of branches made a central superintending authority to control their issues more necessary. He would most earnestly advise those engaged in the joint-stock banks of Ireland to pause before they incurred the additional risk of a metropolitan circulation. He thought the Government would act wisely and justly if they allowed the Hibernian and National Banks to have the power of issue. When they conceded the power of metropolitan issue to other banks, he thought they could not fairly refuse it to two banks of the most undoubted capital and respectability. As they had prohibited fractional notes, he recommended to the Government to provide a sufficient supply of silver.

The Earl of *Ripon* said, with respect to the silver currency, it was a matter to be taken into consideration by the Government, with a view to make provision against any inconvenience being suffered by the labouring classes from the want of it.

House in Committee. Bill reported without Amendment.

ADMINISTRATION OF CRIMINAL JUSTICE BILL—LORD DENMAN.] Lord *Denman*, in moving the Second Reading of this Bill, stated that the object of the measure was to remedy certain existing defects in the administration of the Criminal Law, which the Judges had experienced in the execution of their duty. One of the chief of these was, that in many cases where a less severe punishment than was enacted by Statute would answer the ends of justice, the Judge was wholly without any discretionary power of mitigating the penalty. Thus, where transportation for life was the punishment affixed to an offence by Statute, the Judge was bound, if the party was convicted, to pass sentence of transportation for life, though he might very often be of opinion that a milder sentence would be of adequate severity. In some cases a part of the sentence was remitted upon subsequent application to the Secretary of State; but where mitigation was required, it was fit and proper that the court which tried the individual should be the authority that was to apportion the measure of punishment. There were two other objects proposed by this Bill: one was to correct certain defects in the Central Criminal Court, rendering it necessary for the party to give recognizances, as was now required before he went before the Grand Jury, which had been found attended with considerable inconvenience in practice. Again, as the matter now stood, after a writ of *certiorari* had been moved in the Court of Queen's Bench, the venue became no venue at all when the case was brought into the Superior Court; and it must be tried in some county, for the fictitious venue of the Central Criminal Court had ceased to have any value. To obviate this inconvenience, it was provided by the Bill that the writ of *certiorari* must always state where the trial was to take place, and the Sheriff was to be empowered to empanel a jury. With respect to another provision of the Bill, he was not quite satisfied with it as it stood at present, nor was his noble and learned Friend behind him. Very serious offences were often committed, short of felony, but accompanied with malignity, such as aggravated assaults, breaches of trust, &c. These the law comprised under the head of misdemeanors, and there was at present no power of adding solitary confinement or hard labour to the term of imprisonment provided for them. So that in one class of offences this additional punishment might be awarded; but other offenders, who were far more deserving of punishment, might escape it. In cases of assault, perhaps, of

a very aggravated nature, it often happened that the public were disappointed to see the party escape with the punishment of an assault of the most ordinary kind, and this from the want of some more particular definition of what were to be considered aggravated cases. He did not know how a more particular description could be given, or how it would be possible to prevent the evil of inadequate punishment, but by leaving a discretionary power to the Judge, to be exercised upon a consideration of all the circumstances of the case. If, however, any noble Lord was prepared to point out a better mode of securing the end, there would be ample opportunity of taking the subject into consideration when the Bill had been printed. He should be disposed to suggest that this discretionary power should be confined to the Superior Courts.

The *Lord Chancellor :* I am satisfied of the propriety of that.

Lord *Denman* was still open to hear of any method by which the purpose might be more conveniently effected. Some discretion must be exercised in almost all cases; and that could only be upon a view taken by the Court at the time of all the circumstances of the offence. He hoped their Lordships would give this Bill a second reading.

Lord *Campbell* highly approved of the three clauses to which his noble and learned Friend first referred ; and any one who read them must say that they were great improvements on the present law. With respect to the second section of this Bill, however, he entertained the most serious objection to it. As it now stood, any person convicted before any tribunal of an assault, was liable to be imprisoned for three years; he might be held to hard labour during the whole of that time, and sentenced to solitary confinement for a period to be determined by the court. What was an assault? If a man held up his fist in the face of another within striking distance, that was an assault. To leave such a punishment at the discretion of the judge was, he thought, hardly consistent with the spirit now pervading the administration of criminal justice in this country. See what the consequences might be. Inferior magistrates might suppose that they were bound to give the maximum of punishment. In a game case, for instance, where a notorious poacher, who had been several times convicted, was indicted at the quarter sessions for an assault or other misdemeanor, would the noble Earl opposite wish to be subjected to the temptation of having such a man at the mercy of justice, with the tremendous power of giving him three years' imprisonment, with hard labour and solitary confinement, while his offence might only call for a very slight punishment in itself? He thought the discretionary power, therefore, ought clearly not to be left to the quarter sessions. Was it to be allowed at the assizes? If not, it would be quite inoperative. But there not only did the Queen's Judges administer justice, but Serjeants, Queen's Counsel, and others, to whom, however anxious they might be to do their duty, he would be extremely reluctant to leave this tremendous discretion. Yet it would be very invidious to say that it should belong to the Court of Queen's Bench, and not to the noble Earl, the President of the Council, for instance, sitting in quarter sessions. On these grounds he should certainly think it his duty to move that the clause be struck out.

Lord *Denman* suggested that assaults to which the higher penalty was to be allotted, might be described as assaults " with intent to commit a felony."

Lord *Campbell* said, a definition might be found for them which could be inserted in the indictment.

The Earl of *Devon*, as the person who had introduced into the other House the Bill on which rested the power of committing with hard labour, felt that the class of cases to which this punishment was to be made applicable, should be strictly defined.

Lord *Brougham* agreed with his noble and learned Friend in thinking several of the clauses great improvements on the present law; his only doubt was as to the provision alluded to respecting assaults. He would suggest that the definition of offences which were to be vested with the severer penalty might be, " all attempts to commit felony, and all assaults accompanied by such attempt." At all events, there could be no doubt that the words should not be left as they now stood, making a common assault, without the attempt, liable to be punished in this way.

The Earl of *Stradbroke* denied that there would be any disposition, in a court of quarter sessions, to punish offenders against the game laws with the extreme severity conjectured by the noble and learned Lord opposite.

Lord *Brougham* thought the words might be introduced "assaults with intent to commit a felony," or "assaults of an indecent description."

The *Lord Chancellor:* Might it not be better to except from the operation of this Bill such assaults as common assaults? By the Common Law, all cases of fine and imprisonment, and fine or imprisonment, were left to the discretion of the judge. He understood his noble and learned Friend's principle to be the same, with the addition, that instead of fine and imprisonment, the parties should be liable to hard labour and solitary confinement; leaving the law in the other particular, namely, as to the discretion of the court, as it was; but with this restriction, that the punishment should in no case exceed the limit imposed by this Act. He thought, however, that the extensive discretionary power proposed should be confined to the Judges of the Superior Courts.

After a few words from Lord Denman, Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 3, 1845.

MINUTES.] BILLS. *Public.*—1°. Masters and Workmen; Drainage (Ireland); Church Building Act Amendment.
2°. Constables, Public Works (Ireland).
Reported.—Field Gardens; Foreign Lotteries.
3°. and passed:—Seal Office Abolition.
Private.—1°. Gildart's (or Sherwen's) Estate.
Reported.—Bristol Parochial Rates (No. 2).
3°. and passed:—Forth and Clyde Navigation and Union Canal Junction (No. 2); Irish Great Western Railway (Dublin to Galway); Bermondsey Improvement (No. 2).

PETITIONS PRESENTED. By Mr. Traill, from Dunnet, for Better Observance of the Lord's Day.—By Mr. Traill, from Presbytery of Caithness, against Universities (Scotland) Bill.—By Mr. W. Morrison, from Muchart, in favour of Universities (Scotland) Bill.—By Mr. Masterman, from the City of London, against Charitable Trusts Bill.—By Mr. Baine, from Archibald Hamilton, for Attendance of Officers of House in an Action on the East India Steam Ship Company Bill (1838).—By Lord Ashley, from Workmen of the Port of Eglinton Woollen Works, for a Better System of Education, etc.—By Mr. Chapman, and Viscount Palmerston, from several places, in favour of the Ten Hours System in Factories.—By Mr. Bright, from Philip Quirk, for Alteration of Game Laws.—By Lord Ashley, from Managers and Teachers of the Kilmore Sabbath School Union, County of Down, for Abolition of Queen's Plates at Horse Races.—By Lord Ashley, from Kerry, for Alteration of Law relating to Juries (Ireland).—By Mr. T. Duncombe, from several places, for Inquiry into the Treatment of Lunatics.—By Mr. Sidney Herbert, and Mr. Liddell, from several Proprietors of Lunatic Asylums, for Alteration of Lunatic Asylums and Pauper Lunatics Bill.—By Mr. Duff, Mr. T. Duncombe, Sir J. Graham, Sir J. Hope, Sir J. M'Taggart, and several other hon. Members, from a great number of places, for Alteration of Poor Law Amendment (Scotland) Bill.—By Mr. Bright, from Inhabitants of Lerwick, for Diminishing the Number of Public Houses.—From Members of the City of London Association of General Practitioners, in favour of the Physic and Surgery Bill.—By Lord Henniker, from Guardians of the Blything and Woodbridge Unions, for Alteration of Parochial Settlement Bill.—By Viscount Clive, from several places, for Establishment of County Courts.

QUESTION OF PRIVILEGE.] The Order of the Day for taking into consideration the petition of Mr. Jasper Parrott having been read,

Mr. *Divett* said, that it was with great reluctance he took upon himself a duty which he was aware would have been more properly confided to hon. Members more conversant with subjects of this nature; but he had taken it up with the earnest and natural desire of protecting his friend from the injury which he would otherwise sustain for having given evidence before a Committee of that House. In the discharge of the duty thus undertaken, he had moved that the petition of Mr. Parrott be printed with the Votes. It was now in the hands of Members; and he trusted that, after its perusal, they had all come to the same conclusion to which he had arrived, namely, that all the parties who had taken any share in the proceedings against Mr. Parrott, were guilty of a gross breach of the privileges of that House. He believed, though it was necessary to act with caution, they must act also promptly, and they ought to take care that individuals were not unnecessarily harassed by matters arising out of proceedings before that House. Mr. Parrott had been summoned by the noble Lord to give evidence before the Medical Relief Committee; and, from all the inquiries he (Mr. Divett) had made, there was no doubt of the truth of that evidence. But it was not for the House at that moment to comment on the evidence: what they had then to determine was, whether it was in the power of any individual to prosecute a person for evidence given before that House. If there were no truth in the evidence, it would be for him to come before the House as a right tribunal to obtain redress; and if any individual should state that any proceedings there had been injurious to him, he for one, was ready to give every redress. There was a precedent for the course he was about to recommend to be found in the time of William III., long before the Election Act passed, where an action was brought against two individuals by Sir George Meggott, for evidence given before the

Committee of Elections. This was in the year 1696. The case was as follows:—

"A complaint being made to the House, that Sir G. Meggott had prosecuted at law several persons for what they testified the last Session, at the Committee of Privileges and Elections, upon the hearing of the matter touching the election for the borough of Southwark, it was, on the 23rd of November, 1696, ordered that it be referred to the Committee of Privileges and Elections to examine the matter of the said complaint, and to report the same with their opinion thereon to the House; and on the 4th of December, Colonel Wharton reported from the Committee of Privileges and Elections, that to prove the complaint, was produced Mr. J. Huggins, an attorney, who said, he was employed to appear for Mr. Malyn and Mr. Ladd, at the suit of Sir G. Meggott, Mr. Lake, the attorney, having taken a writ out against them; and accordingly he did appear, and received a declaration severally against either of them, copies of which were produced to the Committee; and in those declarations it is taken notice, that Anthony Bowyer, Esq., and Charles Cox, gentleman, were returned to serve in Parliament for the said borough; that he, the said Sir G. Meggott, thought himself aggrieved by the said return, and petitioned the House of Commons for relief in the said matter; that the said petition was referred to the Committee of Elections, at which Committee the said Malyn and Ladd did falsely and maliciously say and affirm, that Sir G. Meggott did say, 'if it cost him 500*l.* he would carry the election; and that if he could not have justice done him abroad, he had friends enough in the House to bring him in right or wrong.' And that the said Malyn and Ladd afterwards, at the said Committee, did falsely and maliciously say and affirm these words, viz., 'Sir G. Meggott, did say, that if it cost him 500*l.* or 1,000*l.* he would have right; and that he had friends enough in the House to bring him in, notwithstanding, whether he were elected or not.' By which means he was taken into the custody of the Sergeant-at-Arms, and detained to the end of that Session, and put to great expenses, to a damage of 3,000*l.* That Mr. Lake did afterwards call upon him for pleas to the said declarations, and he did thereupon plead to them severally the general issue, counsel having advised him so to plead, the declarations having not set forth the words aright; that Mr. Huggins afterwards called upon Mr. Lake to know if he would try the said causes; but Mr. Lake told him he would not further proceed unless Sir George Meggott would give him security to save him harmless, and thereupon he gave rules and obtained nonsuits, and 3*l.* 3*s.* were allowed him in each cause for costs, which he acknowledged he had received; but it was not near the expenses they had been at. That there was also produced Mr. Halsey, who said, that at the last election of burgesses for Southwark, he told Sir George it would be very unnecessary for him to stand the poll, and that Sir George Meggott did say that he had laid by 1,000*l.*, and had not spent above 100*l.*, and had 900*l.* left to spend at the House of Commons; that there were no witnesses produced on the other side. But the counsel observed, that as to the matter testified by Mr. Halsey, it was not now complained of, or referred to the Committee; and as to the prosecuting at law of Malyn and Ladd by Sir G. Meggott, it was begun out of ignorance, and that there was no arrest; but Sir George, having thought himself injured by their evidence, did think he might lawfully have done himself right by an action; but as soon as he was better advised he desisted, and suffered himself to be nonsuited, and paid them their costs; and that he had orders to say from his client, that he was very sorry if he hath hereby offended the House. That the counsel did also submit to the consideration of the Committee, that the witnesses here, not being upon oath, and so not liable to be indicted for perjury, it might be inconvenient if there was no way to punish them for any false testimony they might give, and that upon the whole matter the Committee came to this Resolution, viz.,—'Resolved, that it is the opinion of this Committee, that Sir George Meggott, having prosecuted at law Thomas Malyn and John Ladd, for what they testified at the Committee of Privileges and Elections the last Sessions, upon the hearing the matter touching the election of the borough of Southwark, is guilty of a breach of the privileges of this House.' The said Resolution being read a second time was, upon the question put thereon, agreed unto by the House; ordered, that the said Sir George Meggott be taken into the custody of the Serjeant-at-Arms attending this House for the said breach of privilege."

He believed Mr. Parrott was present. The evidence given by him was in compliance with an Order of the House; he had been brought to London on the summons of the noble Lord, and had been compelled to give evidence, and he now claimed the protection of the House; which, as he (Mr. Divett) believed, it was essentially necessary to give, if they meant to preserve the privileges of the House. It was time to vindicate their power, and to grapple boldly with this attack. It would never do to allow the attorneys in the country to make a trade of these actions; if it was essential to preserve their privileges, it was necessary they should vindicate them, and not blink the matter any longer. They ought to take notice of the subject-matter of this petition: first, to protect their own privileges; and, secondly, they

ought not to allow individuals to be harassed by proceedings of this nature, when they had the power to prevent it. He would not go into the legal technicalities, which he would leave to others better able to discuss them; but, to bring the subject before the House in such a position that it would be necessary to deal with it, he begged to move that the parties who were agents of the lawyer in the country, who brought the action, should attend the House to-morrow; and he would follow that up by moving, that the party himself, the plaintiff, and the country attorney, should attend the House on some future day. He would then move, therefore—

"That Frederick Keddell, Thomas Baker, and Joseph Humphry Grant, of Lime Street, in the city of London, attorneys, do attend this House to-morrow."

Mr. *Williams Wynn* thought parties were desirous of trying experiments in acts of contumacy; but before they proceeded further in this case, they ought to ascertain the facts as stated in the petition. There was no doubt of the respectability of the person petitioning; but it was necessary to prove that the action was brought on account of words spoken by a witness in the evidence given by him before a Committee of that House. Having this proved, they would have the choice of two courses —either immediately to pronounce this a breach of the privileges of the House, or to allow the action to proceed, and the defendant to plead the fact of a justification as an answer to the action. If a party should be proceeded against for words spoken in evidence given before Thomas Lord Denman, and twelve gentlemen, the action must proceed till the party justified the words as evidence given before the Court of Queen's Bench; so here, where the words were alleged to be spoken in Palace-yard, in the hearing of Mr. Bramston, the action must proceed till it was made to appear to the Court of Queen's Bench, that the words were spoken by a witness, in his evidence before a Committee of that House. There was no doubt, in this case, that the plaintiff could not stir without proving that the words spoken were in evidence given before a Committee of that House; and though the plaintiff might subpœna the shorthand writer to prove the words, the House would not allow him to attend. The House, however, ought to take the matter into their own hands, where any person acted contumaciously. The principal doubt was, whether they could inflict a sufficient punishment by imprisoning the party during the rest of the Session for such an offence. There were, however, cases in which the imprisonment had been prolonged by Motions made in the next Session.

Mr. *Divett* observed, that the parties who were agents of the country attorneys were resident in London, and might be proceeded against directly. Mr. Parrott was then in attendance to give any evidence that might be required; and, as the time for pleading would expire to-morrow, the House was at least bound to guide him in the steps he should take.

Sir *R. Peel* confessed, that he thought this a question of great importance. As he collected the facts, here was a gentleman called upon to give evidence before a Committee—not coming forward voluntarily—as to the medical relief afforded to the poor in the Union in which he was chairman of the Board of Guardians; he had been compelled to give evidence on a matter deeply affecting the medical treatment of the poor. It appeared, and the House had every right to assume, that this evidence was perfectly consistent with the truth. Although the subject was referred to vaguely, in the words of the petition, it appeared highly probable that the action was commenced for words spoken in the Committee, particularly as there was a reference to Mr. Bramston. But they might have been spoken in the lobby of the House, or in Palace-yard, when Mr. Bramston was present, and then Mr. Parrott would not be entitled to any protection. It was more probable that they were used in evidence before a Committee of that House, and that Mr. Bramston was on the Committee. If so, he could not conceive a stronger claim to the protection of that House. Presuming the evidence of the truth to be clear, so far as Mr. Parrott was concerned, he had a claim, in justice and in equity, to any protection which the House could give him; and, so far as the House of Commons was concerned, he could not conceive a more serious impeachment of its privileges. He thought they ought to consider well the course they should pursue. He would not be precluded by the course taken in the case of Mr. Howard, but take that which, after recent events, should appear to be upon the whole best. He thought they ought to require the presence of the principal parties, and inquire of them to see whether they could possibly say the words were spoken on any

other occasion, and to inform the House whether the action was brought, as it was charged by Mr. Parrott, for expressions used in a Committee of that House. He thought it best in the first instance to have Mr. Phillips, the plaintiff, and his attorney, and the only question was whether they should have also the London agents, who were immediately accessible. With reference to the other question, what advice they should give Mr. Parrott, he could scarcely say. The hon. Gentleman had said it was necessary for Mr. Parrott to plead to-morrow, and they were suddenly called upon to decide, when it required a little time for consideration.

Mr. *Divett* said, that Mr. Parrott might, by a summons before a Judge, obtain a short additional time to plead.

Sir *G. Grey* said, that in the precedent quoted, the petition was not acted on by itself: it was referred to the Committee on Privileges and Elections, which at that time was a Committee of the whole House, and they called upon John Huggins, who was employed as the attorney for the defendant, to substantiate the petition, and he laid the declaration before the House. The first step now was to call the attorney of Mr. Parrott, who would have a copy of the declaration, by which the House would become aware in a formal manner of the facts of the case. With regard to any advice the House should tender to Mr. Parrott, his case was different from that of an officer of the House, and he did not think they were called upon to advise him whether he should plead or not.

Mr. *Warburton* thought the advice of the right hon. Gentleman the best that could be given. He agreed that the first person necessary was Mr. Parrott's attorney, to deliver in the declaration, and it was important also they should see that Mr. Parrott came before them with clean hands; and he declared in his petition that "he had never, upon any occasion, except that of giving his evidence before the said Committee, as aforesaid, spoken or published the words charged against him in the said declaration, or any words to the same or the like effect." And it was possible that the parties might know of this evidence independently of the Report of the Committee, or any information from any officer of the House. Mr. Parrott, it would be remembered, had come forward on the defensive, to justify the appointment of a medical officer, made by the board of guardians. The first thing, however, would be to have the evidence of his attorney, and, as that gentleman was understood to be in waiting, he could at once be examined.

Mr. *Wynn* observed, that the attorney might be examined for the purpose of information; but the House could not adjudicate upon the case until Mr. Phillips or his attorney had been brought to the bar, to admit or deny the charge.

The Motion of Mr. *Divett* withdrawn; and on the Motion of the same hon. Member, it was ordered that Mr. Augustus Henry Moore do attend the House forthwith.

Mr. Moore accordingly appeared at the bar.

Examined by Mr. *Speaker:* I am a solicitor; I am agent for Jasper Parrott, Esq. I have not the declaration with me in the action "Phillips *v.* Parrott." [A paper was handed to the witness by Mr. Divett.] I have now a copy of it, made by my clerk, and compared by me with the original. I hand it in.

By Mr. *D. Dundas:* The declaration was delivered on the 26th of June, after I had left my office; I received it on going there the next morning, The time to plead will be out to-morrow.

By Mr. *Divett:* I can obtain from a Judge an order for time to plead, at all events for four or five days; but I shall be placed under terms to take short notice of trial. The commission-day is the 19th. The names endorsed on the declaration are "Keddell, Baker, and Grant, 34, Lime-street, agents for Edwards and Bryan, Totness, the plaintiff's attorneys."

By Mr. *James S. Wortley:* I received a communication made on the part of the plaintiff before this action was commenced, but it had no reference at all to an action. I have never received any demand for reparation. I was not aware for what the action was brought until I received the declaration.—Witness withdrew.

"*Ordered*—'That David Phillips of Buckfastleigh, in the County of Devon, surgeon; Charles Edwards, and Theodore Bryett, of Totnes, in the County of Devon, attornies; Frederick Keddell, Thomas Baker, and Joseph Humphrey Grant, of Lime Street, in the City of London, attornies, do attend this House on Monday next.'"

POOR LAW AMENDMENT (SCOTLAND).] The *Lord Advocate* moved, that the House do resolve itself into Committee on the Poor Law Amendment (Scotland) Bill.

Mr. *Oswald* moved, as an Amendment, "That the House do resolve itself into the

said Committee, that day three months." This was a most important Bill; it was printed on the 23rd of last month, with a great many amendments which required attention; and since the Bill went to Scotland, the people had taken a great interest in it, and were most anxious that no such Bill should pass this Session. His object in this Motion was rather to lead to a discussion on the principle of the Bill, than with the least view to any chance of carrying that Motion; but many hon. Members wished to deliver their sentiments on the principle. The evil in Scotland, with regard to the management of the poor, was very great; he might go so far as to say that it was disgraceful to the country. It was said that this remark would apply only to some parts of Scotland; but if he were to begin with Berwick, take any midland county, and then go to the county of which they had heard so much—Sutherlandshire—he would venture to say, that the whole process of the management of the poor, with very few exceptions, would be found to lie in giving them only just what they could exist upon; he did not mean people able to work, but people seventy years old, some of them blind, totally helpless. The allowance to them would be found to be 2*l.* or 3*l.* a year; in some instances actually only 2*s.* 6*d.* a year. This evil had existed for many years, and the present Bill was proposed as a means of curing it; at least, the Bill went on the footing that something new ought to be done to meet the case. Yet the power was not to be put into the hands of parties other than those who held it now; there was indeed to be a great limitation introduced, as to what might be called the guardians of the poor; and it was not likely the evil would be done away by these parties, who were interested in keeping matters as bad as they had kept them hitherto. There was to be a board of supervision in Edinburgh, to have the charge of the poor of Scotland; and how was that board to be constituted? The Lord Provost of Glasgow and the Lord Provost of Edinburgh were to be members of it. What the duties of the Lord Provost of Edinburgh were, he did not know; but he conceived it to be utterly impossible for the Lord Provost of Glasgow to be an efficient member of such a board, even if it were brought to Glasgow. There were also to be three Sheriffs on it, who, of course, had other duties; and there were to be three Commissioners appointed, two of them unpaid, and one paid. The board would, most likely, at last, resolve itself into the paid Commissioner and his paid Secretary; for unpaid work was seldom very long continued. But the pauper who should demand support from the parish board, and be refused, was no longer to have the power of going direct to the court, but must come before this board of supervision, and that was to decide whether he should have the power of going to law with the parish. As far as the pauper was concerned, therefore, he would be worse off; if the Bill was meant to throw a bar in the way of his going to law, it was wisely drawn. There would still, however, be as much difficulty as ever with regard to the management of the poor. In fact, the people who possessed property in Scotland, landed or other, in the same way as all other people, did not like to pay money if they could avoid it. The country had not time to make up its mind on so important a matter, and there was no necessity for pressing the Bill this Session.

Mr. *Ellice* said, it was a very serious matter for the House to determine whether, after the Report of the Commissioners who had been sent to inquire into this subject last year, it was possible for them to remain in the position in which they were, or to leave the poor of Scotland any longer subject to the kind of assistance which was now afforded them. But if he was not prepared to go the entire length with his hon. Friend who had brought forward the proposition before the House, he was, on reflection, equally unprepared to support the principle of the measure brought forward by Her Majesty's Government. It appeared to him that the Report of the Commission appointed last year made it indispensable for the Government to bring forward some measure, both for amending the law as it at present stood with respect to the poor of Scotland, and also for taking some steps to fortify the powers that at present exist for their relief, or to supply others if these powers were found to be inapplicable. The Bill, however, which they had brought in was deficient, as a remedy for the condition of the poor. It left many matters connected with the law as undecided as they were before the hon. Member opposite brought forward his proposition; and it, at the same time, afforded no assurance to the poor of Scotland that sufficient means would be afforded of ensuring them relief in an efficient and charitable way. It appeared to him that the proper course to be taken on this occasion towards any final settle-

ment of the condition of the poor of Scotland, would have been to improve, in the first place, the parochial system of Scotland, disturbed as that system entirely had been by the disputes in the Church of Scotland, the great majority of the people now having no connexion with the kirk session, and that being the only party at present empowered by law to protect the interests of the poor. It seemed, therefore, to him, that under such circumstances some new authority was necessary for the protection of the poor. He would not go into the details of the provisions which were contained in the Bill for this purpose, at present, as this matter could be better discussed at a future stage. But the House having adopted fit measures to improve the authority that was to be charged with the protection of the poor, the next step, according to his view of the question, which they should consider, would be how they were to give the poor man applying for relief greater access to law and to justice than he now possessed. Instead of doing this, however, the Bill increased the difficulty which the Scottish pauper found before him at present in seeking for justice, by throwing impediments in the way of his applying to the Court of Session for what was justly due to him. If the poor had now a right to apply to the Court of Session to obtain an adequate relief, and if that Court had power by law to award such relief, why, he would ask, should not the first step of the new Bill be to give that power to the Sheriff of the county, and thus to bring the benefits of the law to the poor man's door? That would appear to be the simple course to take; but instead of it the Bill attempted to constitute a new kind of machinery for the management of the poor of Scotland. Now, the condition of the poor of that country was extremely different in different localities. The poor in the great towns should be managed under some such system as was now found existing in them. In the rural districts of the Lowlands another system would probably be found necessary; and again a totally distinct kind of management would be required for the Highland districts; and for the management of these different classes a single board was to be constituted. But how was this board to be constituted? With a single exception, all the members of it would be inefficient, and it could not, therefore, be supposed capable of managing the whole of the powers that would be intrusted to it. It appeared to him, that his right hon. Friend, the Lord Advocate, would have done better if he had provided separately for the several classes of cases which were to be found in Scotland. He should have applied one remedy to the great towns of that country. Were they never again to come back to the old system of local governments in the large towns, to attend to the local wants of the inhabitants? In this country, when difficulties had been found to exist with respect to large manufacturing towns, local Acts had been brought in for the union of parishes, and for administering to the wants of the inhabitants, by giving power to the local authorities to erect workhouses, and to superintend the condition of the poor. That system had been found to work admirably; and he said this from the experience which he had derived from his connection with the working of the local Act for the management of the poor of Coventry. Why, then, he would ask, should not the same system be extended to the enormous communities of Glasgow, with its 200,000 inhabitants; of Edinburgh, with its 100,000 inhabitants; of Leith, with about as many; of Perth and Dundee, all having large populations? Why should not the Government have looked to the corporations of these towns, and have proposed to Parliament the adoption of local Bills for the administration of the Poor Law in these great communities? They should give the local authorities the power of supervision over the state of the poor; and they could, at the same time, adopt the strictest rules in order to bind the corporations to a proper discharge of the duties imposed upon them. He had heard no explanation why the Legislature should take away from the corporations of large towns those duties which they ought to perform, and which they were best calculated efficiently to discharge. The sympathies of these individuals would be with their own poor; but the proposed board would, by its interference, induce the indolent to neglect their duty in this respect, and by exercising its powers, as was so often the case in such instances, in a dictatorial manner, would annoy and disgust those who might otherwise be inclined to exert themselves for the benefit of their poorer fellow citizens. It would appear, however, that latterly nothing was thought right except what was done by a central power. All their legislation was in favour of centralization; but, in his opinion, the sooner they went back to the old system of entrusting local concerns to the manage-

ment of local powers the better, more especially after they had made the corporations more popular than they had been. But a local power being appointed, and an inspector being placed over it, why should they not give that inspector power to go to the Sheriff in cases where relief was refused, and thus procure an allowance for the poor, limited as their relief was to the infirm and the helpless? That would have been their best course; and he regretted that it had not been adopted when the Government had determined on persevering with the Bill, instead of introducing a new and anomalous system into the country. He protested against the principle on which the Bill was founded, believing, as he did, that so far from giving any facilities for the administration of relief to the poor of Scotland, it would only make confusion still more confounded. He knew very well the Scotch influence with which his right hon. Friend was surrounded while dealing with this subject; but he would entreat of him to recollect that any appointments which he would make under this Bill would be viewed with great jealousy in Scotland, and to be, therefore, very cautious as to the persons whom he would select. If they were incapable, or indiscreet, or imprudent men, who would issue such orders as had been given in the first instance in this country, a state of things might easily be created in Scotland which would render the administration of any Poor Law difficult. He had great doubts whether he could vote with his hon. Friend on the present occasion, in favour of a postponement of the Bill, feeling, as he did, that the present system of relief afforded in Scotland to the poor was a disgrace to the country. At the same time, he felt that he would not have done his duty with respect to this measure, if he had not stated in a few words his opinion of the principles and probable working of the measure, feeling, as he did, that it would have been much better to give facilities for the execution of the law, and to avail themselves of the local authorities in the large towns for administering relief to the poor, than to establish a central board, anomalous in its character, unknown in the constitution of the country, and which, he believed, would only tend to increase the difficulties which now presented themselves in the way of an efficient administration of the law.

Mr. *S. Crawford* felt it necessary to make some observations on this question, inasmuch as the statements he had made on a former occasion with regard to the condition of the poor in Sutherlandshire had been contradicted by the hon. Member for Wick; he was therefore anxious, by reference to the evidence given before the Scotch Poor Law Commission of Inquiry, to show that he had not spoken without due authority. With reference to the insufficiency of relief given to the poor in Sutherlandshire, it appeared from the evidence of various witnesses, as he had before stated, that the yearly amount of relief varied from 2*s.* to 10*s.*, but generally did not exceed 5*s.* each pauper. The witnesses who stated this came from various parts of the county, and he would quote the following extracts from their evidence:—

"Mr. Duncan Ross, General Assembly's teacher in Creech, being examined, said—'The usual allowances to people on the roll vary from 2*s.* to 5*s.* a year. The Rev. Alexander Macpherson, minister of Golspie—'The average they receive is 9*s.* or 10*s.* a year.' The Rev. George Mackay, minister of Clyne—'We have three classes of paupers on the roll. The sums granted to them vary according to the amount of the collections. The highest class gets generally about 6*s.* or 7*s.* a year. Old people, blind and bedridden, are included in this class. The second class gets 5*s.* 6*d.* They are not confined to bed, although unable for much work. The third class receives about 3*s.* a year, and consists of individuals who are able to do a little work.—The Rev. John Mackenzie, minister of the parish of Rogart—'The average allowance to old people on the roll is 4*s.* a year; and in cases of extraordinary distress, such as blindness, we give an average of 10*s.* Bedridden people receive about 10*s.*' The Rev. James Campbell, minister of Kildonan—'The allowances to the majority (of persons on the roll) vary from 6*s.* to 10*s.*' Mr. George Mackay, schoolmaster and session clerk of Loth—'The usual allowance to old people (on the roll) is about 5*s.* or 6*s.* a year.' The Rev. A. Kennedy, minister of Dornoch—'The average allowance (to poor on the roll) is from 8*s.* to 9*s.* a year.' The Rev. C. Gordon, minister in Assynt—'The allowance (to the poor on the roll) are very low indeed; the very highest is 4*s.* 6*d.*; the lowest 2*s.* 6*d.* or 2*s.*"

What description of the paupers were placed on this starvation allowance? Mr. George Sutherland Taylor, agent for the Duke of Sutherland in Golspie, being sworn and examined by the Commissioners of Poor Law Inquiry, said—

"Those whom we consider paupers in this county are those who are disabled from in-

firmity or old age, and have no friends or relatives to support them."

Mr. Robert Horseburgh, factor to the Duke of Sutherland, in Tongue, was also examined, and said—

"The pauper classes have a small allowance from the kirk session, which in most cases, however, is not more than sufficient to provide them with shoes. I certainly think that the poor who are necessitous from age or infirmity ought to be better provided for than they now are, and that the heritors of Scotland generally ought to contribute more largely for this purpose than they are now in the habit of doing. I wish to state that the Duke of Sutherland feels it to be a duty to contribute to the poor funds in each parish in which he has an interest. To each of the parishes in this district he makes an allowance of 6*l.* annually in aid of the ordinary collections."

It might, then, be asked how these poor people lived? They lived on the lowest description of food, and this they obtained by begging; they obtained it not from the rich, but from the poor. This was attested by various witnesses. The Rev. Charles Gordon, of Assynt, said—

"The great assistance the poor get in my parish is from their poor neighbours, and that makes them all poor together. We have a good deal of begging in the parish; the people go about among their relations and friends, but at the same time they dislike to be considered as common beggars."

The Rev. David Sutherland, of Strathy, said—

"I do not approve of the system of supporting the poor by allowing them to beg. We tolerate the practice as a necessary evil under the present state of things. If our poor were not to beg, they must starve, as we have no adequate supply for them."

Mr. William Gordon, of Eddrachillis, surgeon—

"The poor on the roll often beg; indeed, begging is a necessary means of their existence."

Rev. Hugh M'Kenzie, Tongue—

"There is a good deal of begging in the parish. The poor on the roll go about begging from place to place. Many do so with difficulty, they are so old and weak. However, they must do it, inasmuch as if they were debarred from this means of subsistence they would starve. The Duke of Sutherland is the only heritor. He sends 6*l.* a year in aid of the poor's fund. The usual allowances to paupers on the roll are about 3*s.* 6*d.* a year. The sum varies, however, from 2*s.* to 10*s.*"

With reference to the condition of the people, the hon. Member quoted the Rev. Charles Gordon, Assynt:—

"'There is not a wealthy individual in the whole district.' 'For paupers and all cottars in general the principle food is potatoes and herrings. Their lodgings are wretched. The cottages are generally built of stone and turf mixed; the roof is always turf, with a covering of heather. Those recently built have a lining of clay, and sometimes lime in the inside. The old cottages have nothing but the bare earth for a floor; indeed, there are very few now which have anything else for a floor. The cottages have generally no chimneys; they have merely a hole in the middle—sometimes, however, at the end.' 'The greater part of Assynt is laid out in sheep farms, but the greater bulk of the population is confined to the shore.'"

The Rev. George M'Kay, minister of Clyne, in his evidence, said—

"A great proportion of the population in my parish consists of persons who have been located in villages along the coast, having been previously inhabitants in the interior. The land in the interior has now been converted into sheep walks."

With reference to employment, Mr. George Gun, a sheep farmer, said, he kept 3,000 sheep, and employed a manager and six shepherds. Mr. Donald M'Donald, of Lockinver, with 30,000 acres, only employed eleven shepherds. The Rev. Mr. M'Kenzie, of Tongue, in his evidence, speaking of the clearance system, said—

"I am very positive, and have not the slightest doubt, that the condition of the people has been very much deteriorated by the change. There is more money going about us now, but there is much more poverty, and not the same substantial comforts as formerly. It is true that when they were in the interior they were badly off in seasons when their cattle died. They used to subsist principally upon flesh, fish, milk, butter, and curds, and cream. They used to eat no vegetables. They had a few spots of oats and bear (barley), but they bought very little meal. Potatoes were only introduced when I was a child, and now it is their general food."

The Rev. W. Findlater, of Duirness, said in his evidence—

"I am inclined to think that, in a majority of cases, the comforts of the labouring classes have been diminished by their removal to the coast. This is chiefly owing, I think, to the small extent of the allotments made to them, and partly also to the inferiority of the land, which is in many cases pure moss. I may also add, as indicating the effects of the change

which has taken place, that while the population of the parish continues much the same as formerly, the number of paupers on the roll is just about doubled. While the population were settled in the interior, though they were no doubt more liable to be affected by unfavourable seasons than they now are, yet, from the numbers of sheep and cattle which they kept, they could generally, by the disposal of part of their stock, purchase the meal requisite for their families. And though they have now the additional resource of fishing, yet from the nature of the coast, and the boisterous character of the Western Ocean, this occupation, particularly during the winter season, is very precarious. There is little difference between the diet of the working classes and that of the paupers. The people are prevented from prosecuting the white fishing to any great extent by their absolute poverty. They can afford to purchase neither the requisite boats nor drifts of lines."

The Rev. Daniel M'Kenzie, of Farr, in his evidence, said—

"I remember very well the change which took place on removing the small tenants from the interior to the sea-shore. In my opinion the people have been decidedly losers by the change. They cannot command the same amount of the comforts of life as they did formerly. Their condition has been deteriorated both in food and in clothing. They used to keep many cattle, and they had an excellent supply of milk and of butcher's meat. They likewise manufactured their own clothing, and they were far better supplied with bedding and clothing than they are now. These are facts, to my certain knowledge. I came to live in the parish in 1813, and I have resided there ever since. The first partial change took place in 1814, the second and more important change in 1818, and the alteration was completed in 1819. I am certain, from my own personal observation, that the food and clothing of the small tenants is more scanty than formerly."

Mr. Donald Macdonald, Lochinver, sheep farmer and salmon fisher, said—

"I have had various opportunities of becoming acquainted with the condition of the working classes in this district; and I am likewise generally acquainted with the condition of the paupers who receive relief from the kirk session. I consider that the poor on the kirk session roll are in a most miserable, destitute state. They are wholly depending on the contributions of their neighbours."

The Rev. D. Sutherland, said—

"The tenants are but poorly off; their lots of land are too small to give them full employment, and it is but seldom that they can get other work in our locality. They are prevented from prosecuting the white fishing to any great extent, both because they are unable to purchase boats, &c., and because, even if they could get boats, there is no safe landing-place on any part of the coast in our parish."

He might quote other evidence to the same effect, but he thought that would be sufficient as an answer to the hon. and learned Gentleman, who stated on a former occasion, that the improvement in the condition of Sutherlandshire had been greater within the last thirty years than in any other part of the Empire. The hon. Member for Wick had dwelt on the great prosperity of the fishing village of Helmsdale; but a letter had since been published by Mr. David Davidson, who, referring to the allegation that in 1844 Helmsdale had exported 37,594 barrels of herrings, and that 50,000 barrels had been cured in the county, said—

"He had been for twenty-three years an extensive dealer in fish. In 1844, the total produce of the fishing was under 25,000 barrels by 250 boats; but of these only 120 boats belonged to Sutherland, and the gross produce of their catch was under 7,000 barrels. The rest were caught by fishermen from other parts, and the whole produce of Sutherland fishing did not exceed 10,000 barrels."

It had been stated that the Duke of Sutherland had expended on his estates in that county 60,000*l*., and that no income had been received from it which had not been spent on it from 1811 till 1833. If that were so, the improvement certainly had not been equal to the expenditure. It had been said that the morals of the people were improved, and, as a proof of this improvement, it was stated that the system of illicit distillation which formerly existed in the county of Sutherland had ceased. Now, there might be a reason for this cessation of illegal distillation, without attributing it to any improvement in the morals of the people; because, if the whole county was converted into a pasture field, how were the barley and corn to be supplied for the purposes of distillation? He asked, what should be the proofs of the prosperity of a country? One of the first proofs should be a well-employed, well-fed, well-housed, and well-clothed population; and there was no evidence given by any witness in the inquiry to which he had alluded, to prove that such was the condition of the population of Sutherlandshire. Another proof of prosperity would be improvements in agriculture. Was there any agriculture

going on in that county now? Were any manufactures going forward? No. He should like also to witness an increasing population as a proof of prosperity; and he must be permitted to say, that he received with great doubt any declaration of the prosperity of a country in which that symptom of improvement was not apparent. It appeared by the evidence that whole districts had been cleared of their population, and that they were now inhabited by sheep instead of human beings; that agriculture was extinct, and that manufactures were not to be found. It was also shown, that in the county of Sutherland, the clearance system was carried on and kept up in a remarkable manner, because in 1801 the population of that county was 23,117, and at present it was only 24,782. In the county of Sutherland they had had most ample experience of the clearance system, and yet they saw how little it had contributed to its prosperity. In the large area of the county of Sutherland, the population was only 24,000 odd. It appeared also by evidence that the working classes were generally paupers, and that the support of the poor as administered in that county was a complete delusion. He had looked into the accounts respecting the county of Sutherland with the deepest interest, because he considered it important to ascertain the state of that county, not only in reference to Scotland, but also in reference to every part of the Empire; because, if it could be proved that the clearance system had had a beneficial effect in that county, the result would be to give encouragement to its being carried on in other parts. He, therefore, regarded it as a general question of great importance, and he considered that it had been proved in this case, where the clearance system had been carried to the greatest extent, that it had led to no other conclusion than the misery of the population. In the county of Sutherland, the Malthusian principle, which declared that there was no room for the poor man at nature's board, had been carried out, and he desired that that principle should not be encouraged. When the question of proceeding or not proceeding with the present Bill was raised, it was important to consider the condition of the poor in that great county of Sutherland, and also to determine whether the administration of the Poor Law ought to be continued in the hands of those who had hitherto administered it. He asked whether they would not put that administration into the hands of others, or at least place some effectual control over those who had hitherto grossly betrayed their trust? What of all other things he deemed the most objectionable had been been alluded to by the hon. Gentleman who had preceded him, namely, the taking away of the appeal to the Court of Session. As a proof of the expediency of that appeal being retained, he would refer to the case of Ann Macdonald, of Kirlomy, a deformed or crippled dwarf; her allowance from the kirk session was 2*s.* per year. In January last she applied to the kirk session for further relief. Answer.—The kirk session could not be troubled with such applications, and a threat to send her to the Edinburgh workhouse. She at last applied to the Court of Session for an order to compel the kirk session to judge her case; and she stated no law agent could be got to act for her, from the fear of offending the heritors. The Court of Session ordered her case to be considered within eight days, and the result was, that the kirk session then agreed to allow her 1*s.* 6*d.* per week. That case was a proof of the necessity of retaining the appeal to the Court of Session. There appeared to be something exceedingly suspicious in an attempt to throw obstacles in the way of that appeal after such a case as he had referred to, and other cases, had decided that the poor had a right to needful sustentation. It seemed to him that the alarm was taken at these decisions of the Court of Session—that it was thought that that Court would be too kind to the poor—and that therefore it was deemed necessary to interpose obstacles in the way of the poor obtaining that redress which was to be expected from an appeal to that Court. He never would agree to anything which would obstruct the benefit of such an appeal; and he thought that the object of any enactment ought to be to render that appeal more easy to the people. In any remarks that he had made, he did not wish to be supposed as passing the least reflection on the conduct of the Duke of Sutherland, whom he believed to be a kind and humane man; and if he did not do all that should be done, that did not arise from his own fault, but from not sufficiently understanding what ought to be done. If the present Bill could be made to provide the

means of procuring a sufficient provision for the poor, he should be sorry to oppose any obstructions in the way of its passing, because in their case there was an immediate necessity for legislation; but if the Lord Advocate were determined to adhere to the provisions of the present Bill, he (Mr. S. Crawford) certainly thought it preferable that the Bill should be suspended. In his opinion, it would be infinitely worse for the poor to have such a Bill as the present, than to have no Bill at all. He had troubled the House at this length, because he was most anxious that it should not be supposed that he had made any statements in that House without sufficient grounds.

Mr. *Loch* was understood to say, that it was with considerable embarrassment he proceeded to address the House; but having followed the hon. Gentleman on a former occasion, when he made statements of a similar nature, he felt it to be his duty, as it was in his power, to give them that contradiction which he now repeated. The view taken by the hon. Gentleman related to the Poor Law in general, and particularly to its administration in the county of Sutherland. No person was more aware of the defects of the Poor Law in Scotland than he was. No person was more anxious to improve the condition of the poor, and no one would give a more hearty support to the measure of the Lord Advocate, as he thought that the law could not remain in the state in which it now was. Having stated this, he would proceed to discuss the points which the hon. Gentleman had restated. The hon. Gentleman had again said, that the relief given by the Duke of Sutherland in several parishes was limited to the amount of 6*l.* to each parish. He took on himself to say, that such was not the fact. If the Duke of Sutherland thought he could administer his charities in a way more beneficial to the people himself, he had the power of doing so, and reserved to himself that power, and he exercised the power to the extent which he had formerly stated, in the shape of giving money, meal, and tenements. He did not mean to say, that it was not desirable to have a better assessment for the poor; but under the system at present existing, he asserted, that when a case of distress was brought before the Duke of Sutherland, no person could be more kind to his people. The hon. Gentleman then proceeded to the second part of his argument, in which he restated that the people of Sutherland had suffered from an alteration in their condition. Now, he asserted that there was no alteration for the worse in the condition of the various populations, as far as the locality was concerned, for the last twenty-six years. He did not wish that this statement should be taken on his own authority alone, though he knew the county better than the hon. Gentleman; and he should, therefore, proceed to read from documents in his possession. The first extract he should read would be from the last statistical account made by Mr. Kennedy. The hon. Gentleman then proceeded to read the following documents relating to the condition of the different localities:—

"*Dornoch*, 1834.—The habits of the people have improved considerably; instead of their peat houses, they have now generally neat cottages built of stone and clay, and harled with lime, having chimneys, instead of the fireplace being in the middle of the house, as formerly. A great improvement has taken place in their dress, particularly in that of the young of both sexes. During the last fifteen or twenty years, agricultural improvements have been carried on with wonderful activity, and to a great extent, especially on the Sutherland estate. On that estate there are 4,000 acres of arable land under the plough; 2,000 were of waste ground, improved and carrying crops. Though the average rent of improved waste land is stated at 5*s.* an acre; many of the cotters pay only 1*s.* rent each, some 2*s.* on a graduated scale. The daily operations on large farms furnish employment to all in their vicinity who are willing and able to work."

"*Creech*, 1834.—A very great and visible change for the better has taken place in the conduct and morals of the people within the last twenty years."

"*Golspie*, 1833-4.—In cleanliness, both personal and domestic, there has been of late a great improvement, and the same may be said of their dress. It may be with truth affirmed, that a simple account of the improvements in the parish must have the appearance of exaggeration; he only can appreciate them who has seen the state of the parish forty or even thirty years ago."

"*Rogart*, 1834.—The greatest change has taken place in the habits of the people since the last account. They are now very industrious, and surpassed by none around them as willing, skilful, and active labourers. The traveller, interested in the working classes, must regard the cottages in this parish as pleasing objects. In no part of the north islands are there so many well-built neat-looking cottages as in Sutherland. Whoever sees them must form a favourable idea of the in-

dustry of the inhabitants, and of the encouragement afforded them."

"*Lairg*, 1834.—As to the measure of comfort enjoyed by the people, the chief want is pasture for the cattle during the summer months. The Duchess of Sutherland's tenantry have their land on very moderate terms; and, though their pasture is at present confined, this defect is, we believe, to be immediately remedied. The other tenants on the adjoining estates in the parish are certainly less comfortable. They not only want pasture, but their rents far exceed the value of the land, and the appearance of the houses tell but too plainly the condition of the inhabitants. The cotters on the Duchess of Sutherland's property raise, in favourable seasons, as much corn as supplies their families during the year; and of late, a very decided improvement has been manifested in the mode of cultivating their land. The change produced in the condition of the people by the introduction of sheep farming has been already noticed, a change which, though for the time it subjected the people to very serious inconvenience, is now showing its salutary effects in the increased industry of the population."

"*Tongue*, 1841.—The deposits in the savings' banks since 1834, amount to 907*l.* 11*s.* 9*d.*; the drawings to 461*l.* 15*s.* 9*d.* The Church collections and the annual donation of 6*l.* from the Duke of Sutherland are the sole funds for the relief of the poor at the disposal of the session. The poor are mainly indebted for their support to the charities and kind offices of relatives and neighbours. A few received permanent charity, in meal or otherwise, from the Duchess Countess, which has been increased by the present Duke. Her Grace's kindness to aged widows and to respectable persons in reduced circumstances, was very considerate. In 1837, she distributed meal to the poor to the value of 60*l.*, and supplied the small tenants with a great quantity at prime cost; the arrears were afterwards remitted, to the extent of 200*l.* The object of putting it to the account of the tenants was the desire that they should not feel themselves treated as paupers. The great change that has taken place in the introduction of sheep-farming, has rendered the land more valuable to the proprietors; for in no other way could a great portion of it be laid out to such advantage. If, however, the system is estimated by its bearing on the former occupiers of the soil, no friend of humanity can but regard it with the most painful feelings. Fishing became the necessary resource; but on a tempestuous coast, without harbours, in a county inaccessible to enterprising curers, for want of roads, difficulties of every sort overtook the people. Such was the condition of the people in 1829, when the late Duke of Sutherland became the proprietor of the parish. That truly patriotic nobleman, fully alive to the evils which beset his new people, immediately reduced the rents of his small tenants 30 per cent., and immediately commenced a series of improvements by opening the county with a series of new roads at an enormous expense. They were enjoined at the same time to build new houses, and, encouraged by the prospect of work, they soon set about this undertaking. The lamented death of the proprietor put a stop to improvements, and many of the people, by building these houses, by the failure of the fishings, and by a series of adverse seasons, got deeply into arrear. Upon the accession of the present Duke these were given up to the extent of 1,582*l.*, and since then he has commenced the improvements that were suspended at his father's death."

He really did think that after reading these extracts it was almost unnecessary for him to say one word more; but he would read a letter which, in looking over his papers yesterday, he had discovered, and it was written some years ago by a person since deceased. In that letter the writer corroborated what he (Mr. Loch) had formerly stated with respect to the condition of the country in 1824. The hon. Gentleman then read the following letter:—

"*Forfar, November* 7.

"From the insulated situation of Sutherlandshire, and recollecting the discussions that appeared in the newspapers several years ago regarding the changes that had been then effected by the Marquess of Stafford among the poorer tenantry, I must acknowledge that we left our native county a good deal prejudiced, not only against that part of Scotland, but also against the noble Marquess. After a short stay in Sutherlandshire, however, we were agreeably disappointed in both respects; and, being fully alive to the great advantages which these changes have produced on the appearance of the country and the comfort and civilization of its inhabitants, I deem it no more than justice to the authors of these improvements to express to you, who are in no small degree interested in their success, the sentiments of myself and my companion on the subject. After our arrival in the country, we first visited a portion of the Sutherland estate, in the interior of Strath Brora, where we understood the under tenantry of some middleman or original tacksman still held their own possessions. Here, if any credit was due to the assertions of the advocates of the old system, we expected to have seen the poor but cheerful peasants tending their little flocks, under some degree at least of comfort and happiness; but I must confess we were surprised to behold many of these creatures in such a state as scarcely to deserve the name of human, covered with filth and cutaneous disease, living in mud hovels, into which one could only enter by stooping nearly on hands and knees; and the scene which

the interior presented was not only shocking, but really degrading to human nature. The house, if it deserves the name, into which we first entered, was totally destitute of what may be called furniture. There are, indeed, some industrious families who have turned their minds to other pursuits, and who have not put their entire dependence on their precarious and scanty crops, or on the few cattle or sheep they may raise on their possessions, to whose circumstances the above does not at all apply, and who live in comparative ease and comfort. After travelling over a considerable portion of the interior and mountainous part of the country, we visited those places on the coast where the small tenants are now settled. From the boldness and confidence with which the pretented advocates of these poor and misguided people decried those arrangements, we naturally expected to find scenes of misery and wretchedness surpassing those which I have already described. They were living in neat and comfortable cottages, built of stone and lime, amidst comparative luxury and affluence, and vying with each other in habits of cleanliness and industry. Indeed, it is not easy to describe the great change that has been effected in the manners of these people. To each family who chose to remain on the estate was allotted a certain portion of ground, the greatest part of which they have, by the assistance of the landlord, brought into a state of cultivation: and hundreds of acres, formerly producing nothing but heath, are already yielding tolerable crops, which in a great measure supply the wants of the possessor. The newly erected fishing village of Helmsdale is of itself sufficient to satisfy any unprejudiced and candid observer of the beneficial effects of the changes which I have described. The next thing that attracted our attention was the high state of cultivation of the arable lands. The farm-houses and offices, which we were told were all erected at the expense of the proprietor, are equal, if not superior, to those of this country. They are occupied partly by natives, and partly by farmers from the south country, and a more intelligent and liberal set of men does not exist."

He really did not wish to detain the House longer; but, after the statements made by the hon. Gentleman, he could not do less than bring forward these facts, which, he thought, would in the judgment of all impartial men, bear out the statements he had made with regard to the change in the condition of the people of Sutherland since the new arrangements were made. As long as the people were distributed in small townships over the estate, it was quite impossible to extend to them the benefits of education; but now that they were near to each other, the progress of education in that county had gone on rapidly. All the parochial schools, over which there used to be masters of inferior abilities, had been repaired, and men of ability appointed to them. The Duke of Sutherland also agreed to build twelve schools, called General Assembly schools, at an expense of 200*l.* each, and to give 200*l.* a year as a contribution to the General Assembly fund. The Duke of Sutherland had also undertaken to communicate the benefits of education to those portions of the people who felt conscientious objections to allow their children to attend the schools belonging to the Establishment. Taking everything into consideration, a foundation was laid for a vast improvement in the moral and religious education of the people. In 1817, when it was necessary to look into the condition of the people in consequence of their state of starvation, arising from bad seasons, 3,000*l.* was sent down to purchase cattle for them, and 9,000*l.* for meal. He had gone down himself and desired the ministers to send in their lists of the poor; and to his great surprise it was found that there were located in distant parts a number of people who had settled in the places without leave. They amounted to 408 families, or 2,000 persons, and, though they had no title to remain where they were, no hesitation was shown in supplying them with food, just in the same manner as if they had been in the habit of paying rent, on the sole condition that on the first opportunity they would take cottages on the sea-shore and become industrious people. It was the constant object of the Duke of Sutherland to keep the rent of his poorer tenants at a nominal amount, in order that they might be encouraged to improve their land, and have the means of bettering their condition. This had been attended by the result expected; it was proved by the return of the amount deposited by them in the savings' bank. He would only add one word more. He should always feel grateful for having been connected with changes which had tended to the improvement of the moral and religious education of so many fellow beings, and had been the means of increasing their wealth and position in the country.

Sir *J. M'Taggart* was aware that some improvement was necessary in the Poor Law of Scotland; but he regretted that a Bill of such importance should have been

introduced at so late a period of the Session. He did not thin there would be sufficient time to consider it. He particularly objected to the jurisdiction given to the Central Board; it would have been more congenial to the feelings of the people of Scotland if the decision had been given to the Sheriffs, with whom the people in general were well satisfied. He should vote with the hon. Member for Glasgow.

The *Lord Advocate* hoped the Bill would be allowed to go into Committee; the Bill was brought forward in the first week of May, and he did not believe there was a parish in Scotland unacquainted with its details. There were certain principles involved in the measure from which he could not depart; but he was ready to receive any suggestions for the improvement of the details.

Mr. *Sheil* begged to know whether the principle of the Bill that affected Ireland was one upon which the Lord Advocate was prepared to give way? There was one most important clause in this Bill, one which, if carried into a law, he was almost justified in saying would have a fatal operation. They provided by this Bill that no Irishman should obtain a settlement by residence in Scotland; they might tell him that this proposition was too broad, that he was not borne out by the words of the Bill in making that statement, because no Englishman, or native of the Isle of Man, could so acquire a sttlement in Scotland; that the clause was not directed against Ireland; and that he was getting up a case for clamour about justice to Ireland. But in Ireland a Scotchman did not gain a settlement by residence, because no one could acquire a settlement in that manner; in Ireland no settlement could be gained by residence. Therefore, Scotchmen, Englishmen, and natives of the Isle of Man, were in Ireland perfectly on a level. There were there no odious distinctions. Charity made no distinctions of country. But if an Irishman had resided in Scotland twenty years—if he had worked for that time in a factory at Glasgow, when he had lost his health and was worn out, when too old to work, and "to beg ashamed," what was the expedient they adopted? They sent him back to his own country, because he was not born in Scotland; because to Scotchmen alone was relief to be given. They would remember, that when money was raised at a former time for the relief of distress in Scotland, a rule was made that no Irishman should enjoy it, a rule that was received here with a feeling stronger than surprise. He believed there was no very large body of emigrants from England to Scotland; the Bill, therefore, was directed against his country. Now, was it not just that industry should give a patent of naturalization? He would ask the Lord Advocate whether he was prepared to make a change in this part of the Bill? If he was not, he did not think the Representatives of Scotland or the Government would support him in these narrow views, in this system of odious national distinctions; and let them look at the consequences, it would do themselves and the country the greatest possible mischief, and furnish more forcibly than ever a justification to those who inveighed against the system on which they legislated.

Mr. *F. Maule* would vote with the hon. Member for Glasgow. He thought if they delayed the Bill for another Session, they might arrive at a better measure. He hoped the object of the Bill was to make the assessment compulsory all over the country; but while they did that they must not leave the indefinite term, "means and substance," as the basis of it; it would give rise to a flood of litigation. In Glasgow, and Edinburgh, and other towns, large meetings were being held, headed by no uninfluential men, to form associations for the protection of the poor. When he (Mr. F. Maule) was applied to to join them, he said he could belong to no association of the kind, because he thought the best association for the protection of the poor was the Legislature of the country. If they passed this Bill in its present shape, and made it more difficult for the poor to obtain access to the legal authority when they considered themselves aggrieved, these associations would start up in all the great towns, working on a central system, with an effect exceedingly detrimental to the good government, peace, and tranquillity of the country.

Mr. *Redington* said, the clause would have a peculiar operation upon Ireland; he wished he could augur from the silence of the Lord Advocate to the question of his hon. and learned Friend, that he would consent to his demand. He was sorry to

see the power of removal, of which so many complaints had been made, introduced into another part of the kingdom. In England there were three modes of gaining a settlement; and in Scotland there was at present a right to relief, which by this Bill they would destroy. The Bill enacted, that no residence under three years should make a settlement; and one who was not a native of Scotland could not, by residence, become entitled to a settlement at all. In Ireland a Scotchman was placed on the same footing as a native. Let Irishmen be treated as they treated the Scotch; that was all they required. If there was a law of settlement in Ireland that excluded Scotchmen, they might turn round on Irishmen in the same manner; but there was not. If they passed this Act the Scotch Members would fix a stigma on their country which they ought to be anxious to avoid.

Mr. *Francis Scott*, thought they had better reserve all discussion on the point involved in the 73rd Clause until that clause came under consideration. It was preposterous to suppose that any invidious distinction was intended with regard to Ireland and Irishmen; there was no ground whatever for such a supposition.

Mr. *E. Ellice*, jun. said, that as the Bill, since its committal, had been extensively altered, he wished to say a few words in reference to its general merits. He was the more anxious to do so because he had before expressed certain opinions with regard to an extensive practice in Scotland, which were controverted, and which had been supposed to press particularly on certain parties. He had stated that he believed that a great deal of the distress, which existed in the Highland districts, arose from occasional causes, but that much also arose from causes which might by good and prudent legislation be removed. He had observed that one of the greatest evils and curses under which the country had laboured, was what was called the clearance system; and he still entertained the opinion that such was the fact. Having made that statement, he declined to say that any one individual had adopted the system more than another. It had prevailed generally over the whole of the north of Scotland. The statements made in one of the daily journals, putting aside the deductions drawn from them, he knew to be, generally speaking, statements of facts; he referred to what was said as to the clearances and their results. He was not particularly acquainted with that part of the country to which the statements in question referred; but he drew his opinion from other districts where the same system was pursued, and where the evils depicted in regard to Sutherlandshire actually existed. It was very hard, however, that attacks should be made on his hon. Friend the Member for Wick (Mr. Loch), and the noble individual with whom he was connected; for, although the clearance system had been carried out in Sutherlandshire, it had there been greatly alleviated by the benevolent feeling of the noble owner of the land in that county, and by the care of those with whom he had intrusted its management. He did not wish at all to defend the system of Poor Laws in Scotland; but it was a notorious fact that in times of great distress the noble family to which the county belonged had stepped in, and, in the most benevolent manner, alleviated those distresses, which otherwise must have been still severer than they were. But there were other parts of Scotland which had not been blessed with a family either rich enough or willing to assist the poor; and he hoped that the gentleman who was then travelling in the north of Scotland would pursue his journey from Sutherlandshire to the western coast, where he would find the state of things quite as bad as that which he depicted in the county of Sutherland, and where he would discover no owner stepping forward with even sixpence to help those who stood in need of assistance. He must say he thought it hard that such unfavourable inferences should be drawn as to the conduct of certain individuals, when, in comparison with that of other owners, it was very much to be praised. He had felt it to be his duty to say thus much, lest it should be inferred from what he had said before that he entirely concurred in all the statements which had been made. Those statements were, generally speaking, statements of facts; but the parties upon whom the blame was made, did not deserve that that blame should be thrown upon them. Now, he felt very great difficulty as to the course which he should pursue that evening. The present Government was the first that had taken up the subject, and he believed they had done so with the intention of benefiting the country; and he therefore regretted that he felt bound to

vote on that occasion with the hon. Member for Glasgow. While professing to amend their condition, the Bill robbed the poor of the only direct remedy which they now had against the proprietors of land. The poor of Scotland had had their right to relief established by the decision on the appeal to the Court of Session in the case of the parish of Ceres. There had, consequently, been an accumulation of cases from all parts of Scotland against the heritors; and he doubted whether they would have seen the present Bill but for the dread of the heritors being compelled to pay. By this measure the direct right to relief was taken away, and a board of supervision was interposed between it and the poor. The Bill had been termed by the hon. Member for Renfrewshire a landlord's bill; and as an enactment on behalf of the heritors that was its character. Independently of the constitution of the board of supervison, he (Mr. Ellice) objected to the principle of interposing a greater difficulty than at present existed between the poor and relief. This Bill, as a whole, was framed on the Report of the Commission. From that Report he totally dissented, and he was supported in his view by the protest against the Bill of a member of the board appointed by the Government itself, who had no local prejudices or predilections. With regard to assessment upon means and substance, he did not know why that should be considered practicable in Scotland, when it was found to be impracticable in England; for, although by law persons were assessed on that principle in this country, an Act was passed every year to suspend this mode of assessment. He admitted the general principle; but, unless this mode of assessment were properly defined, he believed its operation would be most injurious. He would have been glad to see a Bill introduced carrying out the present law in Scotland. Power should have been given to local magistrates to oblige parties to give relief; but, with the exception of appointing a central board of inspection, the law should have been allowed to remain very much in its present state. As the Bill stood, there would be great difficulty in carrying its provisions into execution, and there would, he believed, be so much litigation with regard to "means and substance," that either next year or the year after, it would be found necessary to introduce an amended Bill.

Mr. *P. M. Stewart* wished to say a few words in explanation of his reasons for voting, as he should do, for the postponement of this Bill. He had presented several petitions from Scotland, praying the House and the Government to postpone this measure until next Session; and he would ask, whether any one petition had been presented praying that it might be carried? What was the reason of such undue haste with regard to the Bill before the House? The people of Scotland had no confidence in the Bill. They viewed with great apprehension the proposed appointment of a central board with such terrific powers as were given to it by the Bill. The central board were to have the power of nominating the number of representatives the ratepayers were to have at the parochial board. The ratepayers surely ought to choose their own representatives. Again, by the 71st Clause the central board were to have the sole jurisdiction in cases with respect to the claims of the poor which were brought before them. Their decision was not liable to be interfered with by the courts of law. These were highly objectionable powers to give to the central board. There were other parts of the Bill to which he objected. Why should not the clergy of the Established Church be assessed to the poor, as they were to be members of the parochial board? Non-assessment to the poor-rate was made a ground of exclusion (in the case of baillies and other authorities) from the parochial board. The Bill ought not to be hurried in this way through Parliament. Time ought to be given for full inquiry. All the petitions, or nearly all, were against the Bill; there was scarcely one for it. In the name of the petitioners he protested against the Bill, and he should support the Motion of his hon. Friend.

Colonel *Rawdon* objected strongly to the portion of the Bill which went to deprive Irishmen of a right to relief in Scotland. He thought that Irishmen ought to be placed by this Bill in the same position, with respect to relief in Scotland, which a Scotchman would occupy under similar circumstances in Ireland. If a Scotchman in Ireland became destitute, he would have no difficulty in obtaining relief; and why, then, should not an Irishman be placed in an equally advantageous position in Scotland? This measure, however, so far from giving the

Irishman resident in Scotland, and who might have for years paid the poor rates, a right to relief, gave a power of arbitrary removal; nay, it went further, and made poverty a crime, for it was proposed, according to this measure, to enact that a poor creature so to be removed was to be placed under the care of a constable, and held in safe keeping until he arrived at his place of destination; and it was proposed to enact, under the same measure, that if a person who had been so removed, returned (perhaps in search of employment) and became destitute, he was to be treated like a criminal by imprisonment with hard labour. That was contrary to the interests of Ireland; and when hon. Members considered that there were about 50,000 Irish persons in Glasgow, they would perceive that it was a provision which ought not to receive the sanction of that House. He could not give his support to a Bill which did not place the Irishman in Scotland in the same position as that in which a Scotchman would be placed in Ireland, if he required relief.

Mr. *M. Bellew*, as an Irish Member, felt the impolicy and injustice of the Bill towards natives of Ireland resident in Scotland. The great evil of Ireland was want of employment; and the only remedy which a large portion of the population had for that was to seek in England and Scotland for that employment which they were deprived of in consequence of the non-residence of such large numbers of wealthy Irish proprietors. There were from 150,000 to 200,000 Irish in Glasgow, Dundee, Paisley, and Greenock; and it would be most unjust to deprive them of a claim to relief under this measure. They were obliged to pay poor rates, and, therefore, they ought not to be deprived of the right to relief. A most objectionable clause of this Bill was that under which a stranger seeking work was to be rendered liable to be treated as a vagabond.

Mr. *Escott* said, the real question was, whether this Bill was calculated to remedy the admitted evils attending the present state of the poor in Scotland? It appeared to him that it was not; on the contrary, the old law was much better, if it were properly administered, and what they really wanted was a short Act giving force to its provisions. There was a clear case, as it seemed to him, for delaying the further progress of the measure, in order to give the Scotch Members time fully to inquire into the actual working of the present law, and the probable efficiency of the proposed remedy. The evils which they had seen so much reason to regret in the working of the Poor Law for England and for Ireland had entirely arisen from those measures having been passed without due consideration. The Reports of Commissioners had been held to be final, and legislation had proceeded upon them, when a full and searching inquiry into the efficacy of the proposed remedies ought first to have been made. When they found almost every Member for Scotland opposed to the Bill before the House, surely they ought to pause and inquire before they proceeded to give the central board such power of making laws and regulations as was conferred by some of the clauses. In a debate on this subject which took place on a former evening, the hon. Member for Rochdale brought forward statements, which had been made public through the press, from which it appeared that in one part of Scotland the poor had been removed from their domiciles to a great distance. The hon. and learned Gentleman the Member for Wick (Mr. Loch) then rose to answer the hon. Member for Rochdale; but he did not answer him—he only evaded the question. The same thing had been done by the hon. and learned Member again to-night. The hon. Member for Rochdale brought forward a statement as to the condition of the poor in Scotland. What did the hon. and learned Gentleman say in reply? Why he entered into a long statement of the charities of the Duke and Duchess of Sutherland, and of how much oatmeal had been distributed by the Duchess among the people. This was the way in which the hon. and learned Gentleman thought to answer the statement as to the manner in which the people had been harassed and oppressed by being removed from their dwellings, and forced to go to distant parts, where they could not continue their accustomed occupations. This was no answer to the hon. Member for Rochdale. These were not the arguments that ought to be used, and especially by an hon. and learned Gentleman who professed to be a strenuous supporter of this Bill. He repeated that the object was to get a good measure. To this he objected both in principle and in detail. It could not sufficiently be regretted that they were now about to ab-

rogate the existing Poor Law of Scotland, when it would have been much better to have made that law the model in the revision of our own Poor Laws, when the present law was passed. It would be better to pass a short Bill to render the present Poor Law in Scotland effective, than to hurry forward so defective a measure as that which was now before the House.

Mr. *D. Dundas* said, the hon. and learned Gentleman who had just sat down, had referred in terms of disapprobation to the defence which his hon. Friend (Mr. Loch) had made as to the county with which he was connected, and of the proceedings which were placed—and honourably placed—in his hands. He did not think that he ought to entertain any doubt whetever that that defence—that generous defence—of his hon. and learned Friend had been satisfactory to all the just and generous Members of the House; and, although the hon. and learned Gentleman, with some notion of taste and good feeling which he (Mr. Dundas) could not appreciate, had introduced the names of ladies connected with the county of Sutherland —[Mr. *Escott*: No.] Yes; for the hon. and learned Member had objected to the hon. and learned Member for Wick for having entered into a defence, which he did not conceive a meritorious defence, of some Duchess. Now, if the hon. and learned Gentleman thought that the manner in which he had introduced the names of those ladies into the debate—[Mr. *Escott*: I did not do so]—if he thought it was according to good taste and good feeling thus to introduce names in the manner he had, he suspected that the hon. and learned Member would find himself mistaken. [Mr. *Escott* repeated: I did not introduce those names.] He was aware that the hon. Gentleman was splitting a straw on the word "introduced." No doubt he mentioned it in the way of historical narrative. All he could add was, that he believed that the smile and the good opinion attending such a course the hon. Member had all to himself. He believed that no Member of the House had taken the view of the subject which had been taken by the hon. Member. He appealed to the House whether his hon. Friend (Mr. Loch) had made any defence which was not meritorious and a perfectly justifiable defence. The hon. Member for Rochdale had paid a tribute to the personal character of the proprietor of the greater part of the county of Sutherland, which was certainly justifiable; for, though he was connected with that nobleman, he felt that he might say of him, that the kindness of his disposition was as much nobility to him as the highest title he bore. The hon. and learned Gentleman said that the hon. Member for Wick had spoken of the meal distributed by the proprietors of the soil. Had the hon. Member ever been in Scotland? Did he know anything of the habits and customs of the inhabitants? He could only say that the wants of the poor, and the standard of their comforts, were very different indeed to those of the English people. From time to time reports came up as to the state of the people in one part of Scotland. He did not pretend to deny that the state of the poor was not what it should be; or that they had not what it was the duty of those above them to supply them with. He considered that the hon. Member for Rochdale had done good service by the candid way in which he had introduced these things to the notice of the House; for he was persuaded that the more the case of the people was made known, the more their necessities would be relieved. But what did the hon. Member for Rochdale bring forward? The hon. Member for Rochdale quoted a great number of cases from the Report of the Commissioners of Inquiry, and he quoted them most truly; but he also went away from the facts contained in the Appendix to the Commissioners' Report, to enlarge on the condition of that county to which he had more particularly referred, and brought before the House the unhappy condition that he said a great part of the country was brought to under the present administration of the Poor Law. But his hon. Friend behind him said the condition of the people was as he had stated; but he would tell the House what was the situation of the proprietors of the soil, and then he introduced those remarks, which were received with candour and favour by all the House except the hon. and learned Gentleman (Mr. B. Escott); and he thought that his hon. Friend was right in his introduction of that part of the subject, and that his defence was as appropriate as it was just. The hon. and learned Gentleman said, that if any one would go through all the evidence in the Report, he would find that the relief afforded was not enough. Now, he (Mr. Dundas) admit-

ted that the relief was not sufficient for the poor; would it were so. He hoped it would soon be established on an adequate footing; and he would give his support to every measure which would tend to give the poor man what he ought to have. He said this, not as a Scotchman or as a proprietor, but as a Christian and a man of humane feelings. He agreed with what had been said as to the miserably small amount of aliment; it ranged from 2*s.* 6*d.* to 20*s.* a year; and when he told this to English gentlemen, they stared and asked what could be the condition of the poor man when, at the worst, that 20*s.* was all he could get? Now, he did not pretend to say that any creature could live on 2*s.* or 3*s.* a week; but it must be remembered that the whole system of the Scotch Poor Law was built on the supposition of one man relieving another; and he said it was the credit, and honour, and the highest glory of the poor that they did relieve one another. It was due to the poor of that country to state this, that they sustained one another under the worst circumstances, and, to their immortal honour, in their lowest state would share their last morsel with others. He felt bound to state this. He spoke for the poor, and for all proprietors who had done their duty. He spoke for the poor as well as the rich; and if the rich in his own county had done their duty, the poor had done theirs; but in reviewing what had been done in that county to which the hon. Member for Rochdale referred, the House ought to consider what were the circumstances of the county. The county which had been introduced so much to the notice of the House and the country was a large district of country in which it was an extremely difficult thing to do many of those benevolent things which some persons had proposed. It had been said, why were not manufactures introduced? But it was very easy to say that, though in a district which was all heather—a mere wilderness, in which the only cultivation was near the shore—to do so must be the work of time; to make a Birmingham out of such a scene all at once was totally hopeless, whatever might be done after a time. He trusted that some improvement of the kind might be realized after a time; but in the present state of affairs it was impossible. They might depend upon it, when once they educated the people in those countries, they would not rest in the poverty and low estate in which they were now found. He thought that was certain, and he was persuaded that those who had seen that country would agree with him that your clever active spirited lad would not sit down in poverty and destitution, but betake himself to places where he would apply himself to the useful arts. Then, with respect to medical attendance. It had been said, that no great amount of medical attendance was afforded to the poor; but this he did not agree to altogether, for he would assert that medical attendance had been afforded by those who had money—he spoke it not in their praise; it was their duty to do it—to those who were in want. That had been done to a great extent. Then with respect to the administration of the law. In Kildonan, the hon. Member for Rochdale said there had been a great clearance; but what said the minister of the parish, Mr. Campbell? First, however, he begged to point out to the House, that it must be remembered what was the food of the people of that country. The fact was, that the small farmer in that country did not live like the English farmer: he lived like his labourers; there was scarcely any difference in their food; they eat together; porridge was almost the only thing known for breakfast throughout Scotland. A question was made in the Report of the Commissioners, whether they had the use of tea? Tea was not known in that part of the country. He knew that in the middle class, in which he was brought up, he had nothing but porridge for breakfast. He would turn to others from Scotland who were born in better circumstances than himself, and who had been clothed, for anything he knew, in purple and fine linen, and would ask them to state their experience; but for himself he said, that till he was brought from that country into this, he never saw anything but porridge. He said, therefore, that this kind of argument against the condition of the people, drawn from their lack of that which their habits did not afford, was inadmissible. Now, he had said that he came from that country into this; he came into this country, and gained a settlement in this country; he, a Scotchman born, had a settlement in England. Was it just, was it generous, that the Englishman and the Irishman should be met on going to that ancient hospitable country with such a clause as that which pro-

hibited either of them from gaining a settlement there? He thought it was an inhospitable and an ill-omened clause; and he was of opinion that if it was not altered, it would bring the Government into trouble, not only with the Irish, but the Scotch friends of the measure. Well, then, Mr. Campbell said, that the usual food of the paupers was porridge, potatoes, milk, and a little mutton now and then, and fish. In fact, however, the poor of that country were nearly as well off as the shepherds themselves, and the poor were not felt as a burden to anybody. That constituted the beauty of the system. The poor were not felt as a burden on anybody. But the truth of the case was, and if they referred, one by one, to the cases laid down in the Appendix to the Report, they would find, that though the amount of relief given was very small, that did not show that the paupers were quite in a state of destitution. His hon. Friend said, there had been improvement in Sutherlandshire. "Why, how can that be," said the hon. Member for Rochdale, "when the population has not increased, and that in Kildonan, for instance, the population was 1,574 in 1811, and only 257 in 1831, and had therefore been reduced from thousands to hundreds?" But if the hon. Member had read on in the evidence, he would have found, that "the great bulk of that population is settled down in the adjoining parish of Loth, in the valley lower down, chiefly on the coast." But then it was said, there was no return from the capital that had been laid out. It was true that there had not been much return from the capital laid out there; but that was not an argument for the hon. Member's purpose. It was often the case that capital laid out beneficially to those among whom it was invested, did not yield returns to the capitalists at once; but they found it was true in the end, that "cast your bread upon the waters and it shall be found after many days;" and it might always be depended upon, that if capital was laid out among a people in a right spirit, the increase would be reaped sooner or later. The hon. and learned Gentleman who had spoken last complained of one point in the Bill, viz., the want of a compulsory assessment, and he had asked, why not make the people do their duty? Now, it was very remarkable that in the county with which he (Mr. Dundas) was connected, minister after minister — who were naturally kindly affectioned to the poor—in their evidence, though they proceeded from point to point to show how wretched their paupers were, when asked if there ought to be a compulsory assessment, had declined to answer almost universally. "You do not know (said they) the character of the Highlander; you don't know his kindness of heart and his reliance on his neighbour; nor how his spirit of independence sets him against compulsory relief, and makes him unwilling to see the poor provided for by a compulsory assessment." That was the only answer that could be got; it might not be a satisfactory answer, but it was the only answer that could be got.

Sir *J. Graham* said, he was so much gratified that the hon. and learned Gentleman (Mr. Dundas) had taken that part in the debate which his talents and eloquence fitted him to take prominently, that they must rejoice in any circumstance which could stimulate him to address the House; and he would, therefore, be the last person to complain that the hon. and learned Gentleman had entered so much more into the discussion than he should perhaps have otherwise thought desirable. The hon. Member for Winchester said, that there appeared to be some reluctance to defend the Bill; but the principle of it had been so much discussed on the second reading, that he did not think it necessary to discuss it on the present occasion; and he was rather surprised that the hon. Gentleman himself should have complained of the absence of discussion, when he said, that all he thought necessary, was a short Act to give effect to the law already existing in Scotland. He (Sir J. Graham) admitted that the present law of Scotland was an excellent one. *Cadit questio*, then, as to the principle: the matter resolved itself into a question of detail. They had introduced new machinery by the Bill, to give effect to the law already in existence. Let them go into Committee to discuss the details. The hon. and learned Gentleman said, that there was some hardship in compelling the people of Scotland to be inhospitable. He lived on the English side of the border; and it was most true that the law of England made it most difficult for a Scotchman to acquire a settlement, whereas, by a three years' industrial residence the Englishman

acquired a settlement in Scotland. He admitted that there was no fair reciprocity—but he was not prepared to say that he would inflexibly adhere to the clauses on this point—if they went into Committee. The hon. Member for Winchester talked about their postponing the Bill till they deliberated further upon it. He could only say, that they had deliberated, and had inquired; and he believed the public voice demanded an alteration of the present law, or rather that means should be devised for a better application of the present law. The subject had been fully discussed. The Lord Advocate had listened to representations outside of Parliament on the subject; several imperfections which had been pointed out were removed. For a year they had been deliberating upon the measure; and such, he believed, was the necessity for it, that he would take upon himself the responsibility of pressing it on. That responsibility appeared to him to be light, compared with the responsibility which would rest on the House, if they rejected the measure. On the House would rest the responsibility of leaving the poor of Scotland in their present condition for eight months longer; and to the Government would belong the merit of, at all events, doing their best to prevent a continuance of that suffering which they all admitted required relief.

The House divided on the Question, that the words "proposed to be left out" stand part of the Question:—Ayes 76; Noes 33; Majority 43.

List of the AYES.

Acton, Col.	Darby, G.
Arbuthnott, hon. H.	Duncan, Visct.
Arkwright, G.	Dundas, D.
Baillie, Col.	Emlyn, Visct.
Baillie, H. J.	Fitzroy, hon. H.
Baird, W.	Fremantle, rt.hn.Sir T.
Balfour, J. M.	Gaskell, J. Milnes
Barkly, H.	Gladstone, rt.hn.W.E.
Bentinck, Lord G.	Gordon, hon. Capt.
Boldero, H. G.	Gore, M.
Borthwick, P.	Goulburn, rt. hon. H.
Bowles, Adm.	Graham, rt. hn. Sir J.
Cardwell, E.	Greenall, P.
Chapman, A.	Greene, T.
Clerk, rt. hn. Sir G.	Hampden, R.
Cockburn, rt.hn.Sir G.	Harcourt, G. G.
Colebrooke, Sir T. E.	Hawes, B.
Compton, H. C.	Herbert, rt. hn. S.
Coote, Sir C. H.	Hope, Sir J.
Corry, rt. hon. H.	Hope, hon. C.
Craig, W. G.	Hope, G. W.
Cripps, W.	Howard, hn. E. G. G.
Hutt, W.	Scott, hon. F.
Johnstone, H.	Scrope, G. P.
Kemble, H.	Sheridan, R. B.
Lennox, Lord A.	Smith, rt. hn. T. B. C.
Lincoln, Earl of	Smollett, A.
Loch, J.	Stuart, Lord J.
Lockhart, W.	Stuart, H.
Mackenzie, T.	Sutton, hon. H. M.
M'Neill, D.	Trench, Sir F. W.
Masterman, J.	Vernon, G. H.
Nicholl, rt. hon. J.	Vivian, J. E.
O'Brien, A. S.	Wakley, T.
Oswald, A.	Wawn, J. T.
Peel, rt. hn. Sir R.	Wemyss, Capt.
Peel, J.	
Pringle, A.	TELLERS.
Pusey, P.	Baring, H.
Roebuck, J. A.	Mackenzie, W. F.

List of the NOES.

Baine, W.	Ferguson, Sir R. A.
Bannerman, A.	Forster, M.
Barnard, E. G.	Hastie, A.
Bellew, R. M.	Johnson, Gen.
Bouverie, hon. E. P.	Layard, Capt.
Browne, hon. W.	Maule, rt. hon. F.
Cobden, R.	Morrison, J.
Collett, J.	Rawdon, Col.
Dalrymple, Capt.	Redington, T. N.
Dennistoun, J.	Sheil, rt. hon. R. L.
Duff, J.	Somerville, Sir W. M.
Duncan, G.	Stewart, P. M.
Ellice, E.	Walker, R.
Ellis, W.	Yorke, H. R.
Escott, B.	
Esmonde, Sir T.	TELLERS.
Ewart, W.	Oswald, J.
Ferguson, Col.	M'Taggart, Sir J.

House in Committee,

On Clause 1.

Mr. *E. Ellice*, junr., said, that in the English Act he found that medical aid made a most necessary part of the relief given to the poor; and it would be a perfect mockery of relief, if the same thing were not done with regard to this Bill. He should therefore move, as an Amendment, that the following words be inserted at the end of the 1st Clause:—

"And the words 'relief,' 'support,' and 'maintenance,' shall be held to include necessary medical aid."

The *Lord Advocate* thought the 6th Clause would provide for all that was requisite as to medical relief. As he understood the proposition of the hon. Gentleman, it would be obligatory on the parishes to give medical relief; but that would be impossible, unless they had a paid medical officer.

Mr. *E. Ellice* wished it to be remembered, that the suggestion which he made was founded upon the Report of the

Commissioners. His object was, that the words "relief and maintenance" should include medical relief.

Mr. *F. Maule* considered it to be physically impossible that a medical man could successfully undertake the care of a district thirty miles in extent. The country should certainly be divided into districts; but the space which a medical man could take under his charge in one part of the country might be much greater than he could venture upon in another.

Sir *R. Peel* said, nothing was more important than that medical relief should be given in every practicable case; but he entertained a strong objection to giving to the people of Scotland a positive assurance that the poor should at all times be supplied with medical relief. He thought they should be cautious how they excited expectations which could not be realized. Everything that was possible ought to be done; but fallacious hopes should not be raised.

Sir *J. Graham* suggested, that the hon. Member opposite might propose some substantive addition to the 66th Clause, in preference to altering the interpretation clause.

Mr. *Gladstone* wished for a more authoritative statement of the existing law of Scotland, as regarded the relief of the poor, than they had yet heard. He should be glad to know whether general relief included medical relief?

The *Lord Advocate* had no objection to allow the boards to take the question of medical relief into consideration whenever they were called on by a parish so to do.

Mr. *F. Maule* said, that the law did not include medical in general relief.

The Committee divided on the Question, that the words be inserted:—Ayes 25; Noes 62: Majority 37.

List of the AYES.

Baine, W.	Johnson, Gen.
Blake, M. J.	Kemble, H.
Bouverie, hon. E. P.	Morris, D.
Dalmeny, Lord	Palmer, R.
Dalrymple, Capt.	Plumridge, Capt.
Dennistoun, J.	Pusey, P.
Duff, J.	Scrope, G. P.
Duncan, G.	Stewart, P. M.
Dundas, D.	Stuart, W. V.
Ewart, W.	Tower, C.
Ferguson, Sir R. A.	Wawn, J. T.
Harcourt, G. G.	TELLERS.
Hastie, A.	Ellice, E.
Henley, J. W.	Collett, J.

List of the NOES.

Acton, Col.	Graham, rt. hn. Sir J.
Arbuthnott, hon. H.	Hope, Sir J.
Arkwright, G.	Hope, hon. C.
Baillie, Col.	Hope, G. W.
Baillie, H. J.	Hutt, W.
Baird, W.	Johnstone, H.
Balfour, J. M.	Loch, J.
Barkly, H.	Lockhart, W.
Baskerville, T. B. M.	Mackenzie, T.
Bodkin, W. H.	M'Neill, D.
Boldero, H. G.	M'Taggart, Sir J.
Bowles, Adm.	Maule, rt. hon. F.
Broadley, H.	Neeld, J.
Brotherton, J.	Nicholl, rt. hon. J.
Cardwell, E.	Packe, C. W.
Clerk, rt. hon. Sir G.	Peel, rt. hon. Sir R.
Cockburn, rt.hn.Sir G.	Peel, J.
Colebrooke, Sir T. E.	Pringle, A.
Compton, H. C.	Rous, hon Capt.
Craig, W. G.	Scott, hon. F.
Cripps, W.	Sheridan. R. B.
Denison, E. B.	Smith, rt. hn. T. B. C.
Duncan, Visct.	Smollett, A.
Egerton, W. T.	Stuart, Lord J.
Emlyn, Visct.	Stuart, H.
Escott, B.	Sutton, hon. H. M.
Fremantle,rt.hn.Sir T.	Trench, Sir F. W.
French, F.	Vernon, G. H.
Gaskell, J. Milnes	Wortley, hon. J. S.
Gladstone, rt hn.W.E.	
Gordon, hon. Capt.	TELLERS.
Gore, M.	Mackenzie, W. F.
Goulburn, rt. hon. H.	Lennox, A. Lord

The Clause agreed to, as were also Clauses 2 and 3.

On Clause 18,

Mr. *F. Maule* moved as an Amendment—

"That the words, commencing line 37, 'And the Kirk Session of each parish shall nominate not exceeding four members of such Kirk Session to be members of the parochial board,' be omitted."

Mr. *P. M. Stewart* wished to remind hon. Members that, since the recent division in the Church of Scotland, there was in some parishes no kirk session; and he thought they ought to care, before they adopted the Bill, that there was machinery in existence to carry out its provisions.

The Committee divided on the Question that the words proposed to be omitted, stand part of the Clause — Ayes 64; Noes 30: Majority 34.

List of the AYES.

Arkwright, G.	Barkly, H.
Baillie, Col.	Baring, rt. hon. W. B.
Baillie, H. J.	Baskerville, T. B. M.
Baine, W.	Blackburn, J. I.
Baird, W.	Bodkin, W. H.
Balfour, J. M.	Boldero, H. G.

Bowles, Adm.
Briscoe, M.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Cardwell, E.
Carew, W. H. P
Christopher, R. A.
Clerk, rt. hon. Sir G.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Douglas, Sir C. E.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Dundas, D.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Henley, J. W.
Herbert, rt. hon. S.
Hope, Sir J.
Hope, hon. C.
Hope, G. W.
Jerymn, Earl
Johnstone, H.
Lascelles, hon. W. S.
Lincoln, Earl of
Loch, J.
Lockhart, W.
Mackenzie, T.
M'Neil, D.
Masterman, J.
Milnes, R. M.
Nicholl, rt. hon. J.
Peel, J.
Pringle, A.
Rashleigh, W.
Sandon, Visct.
Scott, hon. F.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stuart, H.
Tennent, J. E.
Trench, Sir F. W.
Vesey, hon. T.
Wemyss, Capt.
Wortley, hon. J. S.

TELLERS.
Lennox, Lord A.
Mackenzie, W. F.

List of the NOES.

Bannerman, A.
Colebrooke, Sir T. E.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dennistoun, J.
Duff, J.
Ellice, E.
Esmonde, Sir T.
Ewart, W.
Ferguson, Col.
Hastie, A.
Horseman, E.
Howick, Visct.
Hutt, W.
M'Taggart, Sir J.
Morris, D.
Oswald, J.
Pechell, Capt.
Rawdon, Col.
Redington, T. N.
Scrope, G. P.
Somerville, Sir W. M.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Wawn, J. T.
Wrightson, W. B.

TELLERS.
Bouverie, hon. E. P.
Maule, rt. hon. F.

Clauses to the 35th agreed to.

House resumed. Committee to sit again.

House adjourned at one o'clock.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXXXI.

BEING THE FIFTH VOLUME OF SESSION 1845.

EXPLANATION OF THE ABBREVIATIONS.

1R. *2R.* *3R.* First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negative.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o, m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

*** It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a table at the end, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the volume. The progress of Bills will not be carried *beyond* the contents of each volume; but it is not intended to omit from the table appended to each the stage that Bills may have passed through recorded in preceding volumes.

☞ *The * indicates that no Debate took place upon that Reading.*

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Folio 116, line 16, *for* Majority 106, *read* Majority 96.

„ 999, „ 16, *for* Ayes 113, Noes 247, *read* Ayes 247, Noes 113; and in headings to List of Division, *for* Ayes *read* Noes, and *for* Noes *read* Ayes.

„ 1107, „ 17, *for* Earl of Ormonde, *read* Marquess of Ormonde.

LIST OF
PUBLIC BILLS IN PARLIAMENT,
AND PROCEEDINGS THEREON,
Session 1845.

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Actions of Debt (Limitation)	Lords Bill.	...	...	...	Apr. 14.	May 2.		
Administration of Criminal Justice	Lords Bill.	...	...	...	May 19.			
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Art Unions	June 13.	June 18.	June 23.					
Assessed Taxes Composition	June 16.	June 17.	June 20.					
Auction Duties Repeal	Apr. 8.	Apr. 9.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Bail in Error	Lords Bill.	...	...	...	Feb. 20.	Feb. 28.	June 12.	
Banking [*Scotland*]	Apr. 25.	Apr. 28.	May 5.	June 12.	June 13.	June 23.	June 30.	
Banking [*Ireland*]	April 25.	May 7.	May 19.	June 16.	June 19.	June 30.		
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Brazil Slave Trade	Lords Bill.	...	...	...	July 3.			
Calico Print Works	Feb. 18.	Mar. 12.	April 2.	Apr. 30.	May 1.	May 26.	June 5.	June 30.
Canal Companies Carriers	Apr. 25.	Apr. 25.	Apr. 30.	June 5.	June 6.	June 9.	June 17.	
Canal Companies Tolls	Apr. 25.	Apr. 25.	Apr. 30.	June 5.	June 6.	June 9.	June 17.	June 30.
Charitable Trusts [*England and Wales*]	Lords Bill.	July 1.	..	...	Apr. 7.	May 22.	June 30.	
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Church Buildings Act Amendment	Lords Bill.	July 3.	..	...	Apr. 22.	Apr. 29.	July 1.	
City of London Trade	Lords Bill.	...	..	...	Mar. 13.			
Civil Actions	Lords Bill.	...	..	...	May 19.			

TITLE OF BILL. PROGRESS THROUGH	COMMONS. LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
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Colonial Passengers	Apr. 11.	Apr. 17.	Apr. 21.	Apr. 25.	Apr. 28.	Apr. 29.	May 6.	May 8.
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Companies Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.
Companies Clauses Consolidation [*Scotland*]	Feb. 6	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.
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Constables, Public Works [*Ireland*]	June 27.	June 27.	July 3.					
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Drainage by Tenants for Life	Lords Bill.	...	...	...	June 27.			
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Field Gardens	Mar. 4.	Mar. 4.	Apr. 9.					

TITLE OF BILL. PROGRESS THROUGH	COMMONS. LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Foreign Lotteries	...	June 25.	June 30.					
Fresh Water Fishing [*Scotland*]	Lords Bill.	May 20.	June 5.	June 13.	Mar. 11.	Mar. 14.	May 8.	June 30.
Games, and Wages Act Amendment	Lords Bill.	...	...	...	June 26.	July 3.		
Game Laws Act Amendment	Lords Bill.	...	...	...	May 30.	Withdrawn.		
Glass (Excise Duty)	Apr. 1.	Apr. 3.	Apr. 4.	Apr. 9.	Apr. 11.	Apr. 15.	Apr. 17.	Apr. 24.
Granting of Leases	Lords Bill.	...	...	...	May 19.	June 26.	July 3.	
Heritable Securities [*Scotland*]	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	June 23.	June 27.	June 30.
High Constables	Lords Bill.	...	...	...	May 2.	May 16.		
Indemnity	May 8.	May 8.	May 9.	May 20.	May 23.	May 30.	June 3.	June 30.
Independence of Parliament	Lords Bill.	...	..	...	May 19.			
Infeftment [*Scotland*]	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	June 23.	June 27.	
Jewish Disabilities Removal	Lords Bill.	Mar. 17.	...	..	Mar. 7.	Mar. 10.	Mar. 14.	
Jurors [*Ireland*]	Lords Bill.	...	...	..	June 30.			
Justices' Clerks and Clerks of the Peace	Feb. 20.	Feb. 26.	Mar. 12.					
Landlord and Tenant	Lords Bill.	...	...	..	June 12.			
Lands Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Lands Clauses Consolidation [*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Lunatic Asylums and Pauper Lunatics	June 6.	June 9.	June 23.					
Lunatics	June 6.	June 13.	June 23.					
Malt Drawback	Apr. 18.	Apr. 21.						
Marriage Law Amendment	Lords Bill.	...	...	...	May 19.			
Marine Mutiny	May 1.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 4.	Apr. 17.	Apr. 24.
Masters and Workmen	July 2.	July 3.						
Maynooth College	Apr. 3.	Apr. 3.	Apr. 18.	May 21.	May 23.	June 4.	June 16.	June 30.
Merchant Seamen	June 18.	June 18.	June 20.					
Merchant Seamen's Fund	May 1.	May 1.	June 5.					
Military Savings Banks	May 8.	May 8.	May 19.	June 2.	June 6.	June 18.	June 26.	June 30.
Museums of Art	Mar. 6.	Mar. 18.	Apr. 2.	Apr. 28.	May 1.	May 30.		
Mutiny	Apr. 3.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 14.	Apr 17.	Apr. 24.
Oaths Dispensation	Lords Bill.	..	...	...	May 23.	June 19.	June 30.	
Outlawries	...	Feb. 4.						

PUBLIC BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 3ª.	BILL READ 2ª.	
Outstanding Terms	Lords Bill.	...	...	...	May 19.	June 26.	July 1.	
Parochial Settlement	Feb. 11.	Feb. 17.						
Pauper Lunatics Amendment [*Ireland*]	Lords Bill.	...	...	..	Mar. 10.	Mar. 17.		
Peace Constables, near Public Works [*Scotland*]	Lords Bill.	..	...	..	Feb. 27.	Withdrawn		
Physic and Surgery	Feb. 25.	Feb. 25.	Apr. 25.					
Pious and Charitable Purposes	May 21.	June 2.						
Poor Law Amendment [*Scotland*]	Apr. 2.	Apr. 2.	June 12.					
Post Office Offences Act Amendment	Lords Bill.	...	..	...	Mar. 17.			
Pottinger, Sir Henry, Annuity	June 17.	June 18.	June 19.	June 25.	June 26.	June 27.	July 1.	
Privy Council Appellate Jurisdiction Act Amendment	Lords Bill.	May 23.	May 30.	June 5.	Apr. 28.	May 5.	May 8.	June 30.
Property Tax	Feb. 20.	Feb. 21.	Feb. 27.	Mar. 12.	Mar. 13.	Mar. 17.	Apr. 4.	Apr. 5.
Public Museums	Mar. 18.	Mar. 18.	Mar. 31.	Apr. 9.	Apr. 14.	May 8.	July 1.	
Railway Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Railway Clauses Consolidation [*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	
Railway Clauses Consolidation, No. 2. [*Scotland*]	May 1.	May 1.	May 5.	May 16.	May 19.	May 26.	June 3.	
Real Property Conveyance	Lords Bill.	...	...	...	May 19.			
Real Property Conveyance (No. 2.)	Lords Bill.	...	...	...	June 19.	June 30.		
Real Property Deeds Registration	Lords Bill.	...	...	...	May 26.			
Real Property (Lord Chancellor)	Lords Bill.	...	...	...	June 23.	July 1.		
Roman Catholic Relief	Feb. 20.	Feb. 20.	May 28.					
Salmon Fisheries	Apr. 30.	May 1.	May 21.					
Seal Office Abolition	June 16.	June 17.	June 19.	July 3.				
Schoolmasters [*Scotland*]	Lords Bill.	...	...	...	June 13.	June 16.	June 19.	
Scientific and Literary Societies	May 8.	May 8.	May 28.					
Silk Weavers	Lords Bill.	...	...	...	June 13.			
Select Vestries	Lords Bill.	...	...	...	Feb. 4.			
Service of Process	Lords Bill.	...	...	...	Feb. 13.	Mar. 3.	Apr. 5.	
Service of Process [*Ireland*]	Lords Bill.	...	...	...	Feb. 13.	Mar. 3.	Apr. 5.	
Service of Summons [*Scotland*]	Lords Bill.	...	...	...	Feb. 17.	Mar. 3.	Apr. 5.	
Sheriffs [*Wales*]	Lords Bill.	Apr. 22.	Apr. 25.	Apr. 30.	Apr. 14.	Apr. 17.	Apr. 21.	May 8.

PUBLIC BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Small Debts	Lords Bill.	...	...	...	May 23.	June 2.	June 9.	
Small Debts (No. 2.)	Lords Bill.	...	...	...	June 19.	June 23.	June 23.	
Small Debts (No. 3.)	..	June 27.						
Smoke Prohibition	...	Mar. 5.	April 2.					
Stamp Duties Assimilation	Feb. 20.	Feb. 21.	Feb. 27.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 14.	Mar. 18.
Statute Labour [*Scotland*]	Apr. 10.	Apr. 10.	June 25.	June 30.	July 1.			
St. Asaph and Bangor Dioceses	Lords Bill.	...	...	...	Apr. 11.	Withdrawn.		
St. Asaph and Bangor and Manchester Dioceses	Lords Bill.	...	...	...	Apr. 24.			
Sugar Duties	Mar. 10.	Mar. 11.	Mar. 12.	Mar. 18.	Apr. 3.	Apr. 7.	Apr. 11.	Apr. 24.
Sugar (Excise Duties)	Apr. 8.	Apr. 8.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Tenants Compensation [*Ireland*]	Lords Bill.	...	...	...	June 9.	June 24.		
Timber Ships	...	June 12.	June 16.	June 27.	June 30.			
Turnpike Roads Act Amendment [*Scotland*]	Lords Bill.	...	...	..	Apr. 29.	May 16.	June 23.	
Turnpike Trusts [*South Wales*]	June 27.	June 27.	July 2.					
Unions [*Ireland*]	Lords Bill.	...	...	...	July 3.			
Universities of Scotland	May 1.	May 5.						
Valuation [*Ireland*]	June 30.	June 30.						
West India Islands [*Relief*]	June 16.	June 17.	June 19.	June 25.	June 26.	June 30.	July 3.	

PRIVATE BILLS.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Aberdare	[*Railway*]	Apr. 7.	Apr. 23.	May 16.					
Aberdeen	[*Railway*]	Feb. 28.	Mar. 20.	Apr. 14.	June 13.	June 13.	June 19.		
Agricultural and Commercial	[*Bank of Ireland*]	Feb. 27.	Mar. 31.	Apr. 25.	June 16.	June 16.	June 19.	June 27.	
Amicable Society Assurance	[*Company*]	Feb. 21.	Mar. 7.	Mar. 14.	Apr. 16.	Apr. 17.	Apr. 21.	May 5.	May 8.
Anderston	[*Municipal & Police*]	Feb. 26.	Mar. 19.	Apr. 7.					
Argyll's (Duke of)	[*Estate*]	Lords Bill.	May 15.	May 26.	June 19.	Apr. 3.	Apr. •	May 8.	June 30.
Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 23.	June 23.	July 1.		
Barnsley Junction	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.					
Barrington's (Lord)	[*Estate*]	Lords Bill.	June 24.	June 25.	June 26.	June 16.	June 17.	June 24.	June 30.
Battersea	[*Poor*]	Feb. 27	Mar. 14.	Apr. 9.	June 17.	June 17.	June 19.	June 24.	June 30.
Bedford and London and Birmingham	[*Railway*]	Feb. 27.	Mar. 13.	Apr. 8.	May 30.	June 2.	June 10.	June 19.	June 30.
Belfast	[*Improvement*]	Feb. 26.	Mar. 20.	Apr. 8.	June 27.	June 27.	July 1.		
Belfast and Ballymena	[*Railway*]	Feb. 7.	Mar. 4.	Mar. 10.	June 9.	June 9.	June 17.	June 26.	
Belfast Lough	[*Drainage*]	Feb. 28.	Apr. 18.	Withdrawn.					
Berks and Hants	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.	June 2.	June 3.	June 13.	June 19.	
Bermondsey	[*Improvement*] (No. 1)	Feb. 28.	Apr. 11.	Withdrawn.					
Bermondsey	[*Improvement*] (No. 2)	Motion.	Apr. 18.	May 28.	July 3.	July 3.			
Birkenhead (Commissioners')	[*Dock*]	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 1.	Apr. 3.	Apr. 8.	Apr. 18.	May 8.
Birkenhead (Company's)	[*Docks*]	Feb. 12.	Feb. 26.	Mar. 3.	Apr. 3.	Apr. 3.	Apr. 5.	May 19.	June 30.
Birkenhead, Manchester, and Cheshire Junction	[*Railway*] (No. 1)	Mar. 20.							
Birkenhead, Manchester, and Cheshire Junction	[*Railway*] (No. 2)	May 7.							
Birmingham	[*Improvement*]	Feb. 27.	Mar. 13.						
Birmingham Blue Coat School	[*Estate*]	Lords Bill.	...	...	...	June 19.	June 23.		
Birmingham and Gloucester	[*Railway Acts Amend.*]	Mar. 20.							

TITLE OF BILL.	PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Birmingham and Gloucester, (Gloucester Extensions, Stoke Branch, and Midland Railways Junction)	[*Railway*]	Mar. 31.	May 9.	May 19.	June 27.	June 27.			
Birmingham and Gloucester (Wolverhampton Line)	[*Railway*]	Mar. 31.	May 9.	May 15.					
Birmingham and Gloucester (Worcester Branch and Cheltenham Extensions)	[*Railway*]	Mar. 31.	May 30.	June 6.					
Birmingham and Gloucester (Worcester Deviation)	[*Railway*]	Mar. 31.	May 9.	May 16.					
Birmingham and Staffordshire	[*Gas*]	Feb. 13.	Feb. 26.	Mar. 3.	Apr. 16.	Apr. 17.	Apr. 21.	May 20.	June 30.
Blackburn	[*Waterworks*]	Feb. 25.	Mar. 13.	Apr. 4.	May 28.	May 30.	June 3.	June 26.	
Blackburn and Preston	[*Railway*]	Feb. 25.	Mar. 12.	Mar. 17.	June 16.	June 16.	June 27.		
Blackburn, Burnley, Accrington, and Colne Extension	[*Railway*]	Feb. 10.	Feb. 26.	Mar. 4.	May 9.	May 23.	June 3.	June 16.	June 30.
Blackburn, Darwen, and Bolton	[*Railway*]	Feb. 21.	Mar. 13.	Apr. 8.	May 30.	June 5.	June 13.	June 19.	June 30.
Black Sluice	[*Drainage and Navigation*]	Feb. 25.	Mar. 12.	Mar. 18.					
Blessington, Earl of Charleville	[*Estate*]	Lords Bill.	...	...	...	June 23.	June 26.		
Boddam	[*Harbour*]	Feb. 27.	Mar. 31.	Apr. 14.	May 9.	May 16.	May 19.	May 23.	June 30.
Boileau's	[*Divorce*]	Lords Bill.	Apr. 21.	Apr. 30.	...	Mar. 18.	Apr. 8.	Apr. 15.	
Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railway Companies' Amalgamation		May 15.	June 12.	June 20.					
(Bowes')	[*Estate*]	Lords Bill.				June 4.	June 12.		
Bradford	[*Gas*]	Feb. 19.	Mar. 5.	Mar. 10.	Apr. 22.	Apr. 22.	Apr. 25.	May 5.	May 20.
Bridgeton	[*Municipal & Police*]	Feb. 13.	Mar. 10.	Apr. 4.					
Bridgwater	[*Navigation & Railway*]	Feb. 14.	Feb. 27.	Mar. 3.	June 11.	June 12.	June 24.	July 1.	
Bridgwater's (Duke of)	[*Estate*]	Lords Bill.	...	...	...	June 13.	June 17.		

TITLE OF BILL.	PROGRESS THROUGH—	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Brighton and Chichester (Portsmouth Extension)	[*Railway*]	Feb. 21.	Apr. 9.	Apr. 22.					
Brighton, Lewes, and Hastings (Keymer Branch)	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.	June 9.	June 9.	June 17.	June 24.	June 30.
Brighton, Lewes, and Hastings (Hastings, Rye, and Ashford Extension)	[*Railway*]	May 9.	May 28.	June 2.					
Bristol	[*Parochial Rates*] (No. 1)	Feb. 27.	Mar. 17.	Apr. 15.	Withdrawn.				
Bristol	[*Parochial Rates*] (No. 2)	Motion	June 5.	June 16.					
Bristol and Exeter	[*Railway Branches*]	Mar. 18.	Apr. 11.	May 2.	May 30.	May 30.	July 1.		
Bristol and Gloucester	[*Railway*] (No. 1)	Mar. 20.							
Bristol and Gloucester	[*Railway*] (No. 2)	Apr. 11.	May 2.	May 19.	Withdrawn.				
Bristol and Gloucester, and Birmingham and Gloucester	[*Railways*]	Feb. 28.							
Bristol (Redcliff)	[*Bridge*]	Feb. 27.	Mar. 12.	Withdrawn.					
Britten's	[*Divorce*]	Lords Bill.	Feb. 28.	Mar. 5.	Apr. 14.	Feb. 26.	Feb. 24.	Feb. 28	Apr. 24.
Burnley	[*Improvement*]	Feb. 21.							
Caledonian	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.	June 12.	June 12.	June 24.		
Calton and Bridgeton	[*Police*]	Feb. 19.	Mar. 12.	Apr. 4.					
Calvert's	[*Estate*]	Lords Bill.	Apr. 21.	Apr. 25.	May 19.	Mar. 4.	Mar. 11.	Apr. 15.	May 20.
Cambridge and Lincoln	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
Castle Hill (Wexford)	[*Docks*]	Feb. 28.	Apr. 4.	Apr. 18.	May 28.	May 30.	June 3.	June 19.	June 30.
Chelsea	[*Improvement*]	Feb. 28.	Mar. 17.	Apr. 14.	June 13.	June 13.	June 17.		
Chester	[*Improvement*]	Feb. 28.	Mar. 19.	Apr. 14.	June 2.	June 2.	June 4.	June 10.	June 30.
Chester & Birkenhead Extension	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.	June 23.	June 23.	July 1.		
Chester and Holyhead	[*Railway*] (No. 1.)	Feb. 13.	Feb. 26.	Mar. 3.	May 28.	May 30.	June 4.	June 16.	June 30.
Chester and Holyhead (Mold Branch and Purchase of Chester and Birkenhead)	[*Railway*] (No. 2)	Mar. 20.	Apr. 10.	Ap. 21.					
Chester, Manchester, and Liverpool Junction	[*Railway*]	Mar. 17.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Churnet Valley	[*Railway*]	Mar. 3.							
Claughton cum Grange (St. Andrew's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.	June 9.	June 9.	June 12.	June 19.	June 30.
Claughton cum Grange (St. John the Baptist's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.	June 9.	June 9.	June 12.	June 19.	June 30.
Clerkenwell	[*Improvement*]	Feb. 28.	Mar. 13.	Mar. 31.	Apr. 28.	Apr. 28.	May 2.	May 20.	June 30.
Clifton	[*Bridge*]	Feb. 28.	Apr. 7.	Apr. 15.	May 8.	May 8.	May 19.	May 23.	June 30.
Clydesdale Junction	[*Railway*]	Feb. 10.	Mar. 11.	Mar. 17.	June 12.	June 12.	June 23.		
Cockermouth and Workington	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.	June 30	June 30.			
Cork and Bandon	[*Railway*]	Feb. 28.	Apr. 11.	Apr. 25.	June 26.	June 26.			
Cornwall	[*Railway*]	Feb. 13.	Mar. 17.	Apr. 7.	June 23.	June 23.	July 1.		
Coventry, Bedworth, and Nuneaton	[*Railway*]	Mar. 7.	Apr. 8.	Apr. 21.					
Crediton	[*Small Debts*]	Feb. 28.	Mar. 13.	Apr. 7.	May 5.	June 2.	June 5.	June 27.	June 30.
Cromer Protection from the Sea		Feb. 28.	Apr. 4.	Apr. 21.	May 28.	May 30.	June 3.	June 10.	June 30.
Cromford	[*Canal*]	Feb. 14.	Feb. 27.	Mar. 3.	June 23.	June 23.	June 26.		
Darby Court (Westminster)		Motion							
Devonport	[*Gas & Coke*]	Feb. 11.	Feb. 26.	Mar. 3.	Apr. 21.	May 5.	...	May 22.	June 30.
Dick's (Sir Robert Keith)	[*Estate*]	Lords Bill	...	...	...	June 10.			
Direct London and Portsmouth	[*Railway*]	Mar. 18.	Apr. 7.	Apr. 21.					
Direct Northern	[*Railway*] (No. 1)	Feb. 21.	Withdrawn.						
Direct Northern (Lincoln to York)	[*Railway*] (No. 2)	Mar. 20.							
Diss and Colchester Junction	[*Railway*]	Mar. 20.							
Diss, Beccles, and Yarmouth	[*Railway*]	Mar. 14.	May 26.	May 30.	Withdrawn.				
Donegal's (Marquess of)	[*Estate*]	Lords Bill	...	..	...	June 27.	July 1.		
Dublin	[*Cemeteries*]	Feb. 28.							
Dublin	[*Pipe Water*] (No. 1)	Feb. 28.	Apr. 10.	Apr. 25.	Withdrawn.				
Dublin	[*Pipe Water*] (No. 2)	Motion	June 13.	June 25.					
Dublin and Belfast Junction, (Branch to Kells)	[*Railway*]	Feb. 25.	Apr. 10.	Apr. 25.	June 23.	June 23.			

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Dublin and Drogheda	[*Railway*]	Feb. 24.	Mar. 14.	Apr. 4.	June 13.	June 13.	July 1.		
Duddeston and Nechells	[*Improvement*] (No. 1)	Feb. 27.	Mar. 13.	Withdrawn.					
Duddeston and Nechells	[*Improvement* (No. 2)	Motion.	Apr. 15.	May 2.					
Dundalk and Enniskillen	[*Railway*]	Feb. 24.	Mar. 17.	Apr. 4.	June 17.	June 19.	June 27.	July 3.	
Dundee	[*Waterworks*]	Feb. 27.	Mar. 20.	Apr. 11.	June 16.	June 16.	June 19.	June 26.	
Dundee and Perth	[*Railway*]	Feb. 27.	Mar. 20.	Apr. 11.	June 12.	June 12.	June 19.		
Dunstable and London and Birmingham	[*Railway*]	Mar. 6.	Apr. 4.	Apr. 21.	May 30.	June 2.	June 10.	June 17.	June 30.
East Dereham and Norwich	[*Railway*]	Mar. 31.							
Eastern Counties (Cambridge and Bury St. Edmunds' Extension)	[*Railway*]	May 23.	June 9.	June 16.					
Eastern Counties (Cambridge and Huntingdon Line)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 10.					
Eastern Counties (Ely and Whittlesea Deviation)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 4.	May 29.	May 30.	June 10.		
Eastern Counties (Hertford and Biggleswade Line)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.					
Eastern Union	[*Railway*]	Feb. 28.	Mar. 14.	Apr. 7.	June 20.	June 23.			
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 2)	Mar. 19.	Apr. 17.	Apr. 30.	June 19.	June 19.	June 27.	July 3.	
Eastern Union and Norwich	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Norwich	[*Railway*] (No. 2)	Mar. 19.							
Eastern Union (Harwich)	[*Railway and Pier*] (No. 1)	Apr. 7.	Withdrawn.						
Eastern Union (Harwich)	[*Railway and Pier*] (No. 2)	Apr. 10.							
Edinburgh and Glasgow	[*Railway*]	Feb. 5.	Mar. 4.	Mar. 10.	May 28.	June 6.	June 24.	July 1.	
Edinburgh and Hawick	[*Railway*]	Feb. 11.	Mar. 10.	Mar. 14.	June 6.	June 6.	June 13.		
Edinburgh and Northern	[*Railway*] (No. 1)	Mar. 5.							
Edinburgh and Northern	[*Railway*] (No. 2)	Mar. 19.	Apr. 8.	Apr. 21	June 30.	June 30.			

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Edinburgh Life Assurance	[*Company*]	Feb. 27.	Mar. 19.	Apr. 11.	May 5.	May 6.	May 8.	May 22.	June 30.
Ellesmere and Chester and Birmingham and Liverpool Junction	[*Canals Union*]	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 14.	Apr. 17.	May 5.	May 8.
Ellison's	[*Estate*]	Lords Bill.	July 1.	...	...	May 19.	May 22.	June 30.	
Ely and Huntingdon	[*Railway*]	Mar. 18.	Apr. 7.	Apr. 23.	May 30.	June 6.	June 13.	June 24.	June 30.
Epping	[*Railway*]	May 23.	June 19.	June 23.					
Epsom and Dorking	[*Railway*]	Apr. 2.	Apr. 17.	Apr. 30.					
Erewash Valley	[*Railway*] (No. 1)	Feb. 24.	Mar. 17.	Apr. 9.	Withdrawn.				
Erewash Valley	[*Railway*] (No. 2)	Motion.	Apr. 22.	Apr. 30.					
Exeter and Crediton	[*Railway*]	Mar. 20.	Apr. 10.	Apr. 22.	May 29.	May 30.	June 24.	June 30.	
Falmouth	[*Harbour Improvement*]	Feb. 25.	Mar. 12.	Mar. 18.	June 25.	June 26.	June 30.		
Fisher Lane (Greenwich)	[*Improvement*]	Motion.	Feb. 13.	Mar. 10.	Apr. 14.	Apr. 15.	Apr. 24.	Apr. 28.	May 8.
Forth and Clyde	[*Navigation*]	Feb. 14.	Mar. 5.	Mar. 10.	Apr. 17.	Apr. 17.	...	...	May 8.
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 1)	Feb. 25.	...	...	...	..	...	...	...
Forth and Clyde Navigation and Union	[*Canal Junction*] (No. 2)	Feb. 27.	Mar. 20.	Apr. 14.	July 3.	July 3.			
Foulmire	[*Inclosure*]	Feb. 11.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	May 2.	May 16.	May 20.
Gildart's (or Sherwen's)	[*Estate*]	Lords Bill.	...	...	...	May 16.	May 22.	July 1.	
Glasgow	[*Bridges*]	Feb. 25.	Mar. 17.	Apr. 4.	May 23.	May 26.	June 12.	June 27.	
Glasgow Harbour Union	[*Railway*]	Apr. 3.							
Glasgow	[*Markets*]	Feb. 27.	Mar. 19.	Apr. 11.	June 3.	June 3.	June 9.	June 16.	June 30.
Glasgow	[*Police*]	Feb. 28.	Mar. 19.	Apr. 8.					
Glasgow and Shotts	[*Road*]	Feb. 25.	Mar. 18.	Apr. 4.	May 1.	May 2.	May 6.	May 16.	May 20
Glasgow, Barrhead, and Neilston Direct	[*Railway*]	Mar. 14.	Apr. 25.	May 2.					
Glasgow, Dumfries & Carlisle	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.					
Glasgow, Garnkirk, and Coatbridge	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 11.	June 17.	June 17.	June 23.	June 27.	June 30.
Glasgow Junction	[*Railway*]	Feb. 6.	Mar. 7.	Apr. 14.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH.	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Glasgow, Paisley, Kilmarnock, and Ayr (Barrhead Branch)	[*Railway*]	Feb. 6.	Mar. 7.	Mar. 17.					
Glasgow, Paisley, Kilmarnock and Ayr (Cumnock Extension)	[*Railway*]	In pursuance of Instruction to Committee on the above Bill.			June 19.	June 19.	June 27.	July 3.	
Glossop	[*Gas*]	Feb. 27.	Mar. 12.	Apr. 7.	June 19.	June 30.	July 3.		
Gloucester and Dean Forest	[*Railway*]	Mar. 31.							
Goole and Doncaster	[*Railway*]	Apr. 10.	May 26.	May 30.					
Grand Junction	[*Railway*]	Mar. 7.	Apr. 10.	Apr. 28.					
Gravesend and Rochester	[*Railway*]	Mar. 20.	Apr. 24.	May 9.					
Great Grimsby and Sheffield Junction	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.	May 29.	June 6.	June 13.	June 24.	June 30.
Great North of England (Clarence & Hartlepool Junction)	[*Railway*]	Mar. 19.	Apr. 11.	May 9.	June 27.	June 27.			
Great North of England and Richmond	[*Railway*]	In pursuance of Instruction to Committee on Harrogate and Ripon Junction Railway to divide the Bill into two Bills.			June 6.	June 6.	June 23.		
Great Southern and Western (Ireland)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 7.	June 23.	June 23.			
Great Western, (Ireland) (Dublin to Mullingar and Athlone)	[*Railway*]	Mar. 20.	May 9.	May 15.	June 27.	June 27.			
Greenwich Colliery	[*Railway*]	Motion.	Feb. 17.	Apr. 7.					
Gresham	[*Avenue*]	Feb. 28.							
Grimsby	[*Docks*]	May 9.	May 23.	June 2.					
Guildford, Chichester, and Portsmouth	[*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.					
Guildford Junction	[*Railway*]	Feb. 28.	May 1.	May 9.	June 5.	June 6.	June 23.	July 3.	
Hamilton	[*Gas*]	Feb. 28.							
Harrogate and Ripon Junction	[*Railway*]	Feb. 27.	Mar. 14.	Apr. 8.					
Hartlepool	[*Pier and Port*]	Feb. 27.	Mar. 12.	Apr. 14.	June 19.	June 23.	June 26.	July 1.	

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Harwell and Streatley	[*Road*]	Feb. 13.	Mar. 4.	Apr. 16.	June 16.	June 16.	June 26.		
Harwich	[*Railway*]	Apr. 21.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 1)	Mar. 5.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 2)	Apr. 8.				May 16.	May 23.	June 13.	
Hawkins's	[*Estate*]	Lords Bill.	June 17.	June 27.	...	May 19.	June 17.	June 26.	
Heaviside's	[*Divorce*]	Lords Bill.	June 27.	...	...	May 19.	May 22.	June 2.	June 30.
Hemel Hempsted	[*Small Tenements*]	Feb. 27.	Mar. 13.	Apr. 15.	May 19.				
Heywood (No. 1)	[*Waterworks*]	Feb. 12.							
Heywood (No. 2)	[*Waterworks*]	Feb. 12.	Withdrawn.						
Hill's	[*Estate*]	Lords Bill.	...	...	...	May 30.	June 13.		
Huddersfield	[*Waterworks*]	Feb. 24.	Mar. 11.	Apr. 8.	May 7.	May 8.	May 20.	May 23.	June 30.
Huddersfield and Manchester	[*Railway & Canal*]	Feb. 10.	Feb. 25.	Mar. 3.	May 28.	May 30.	June 5.	July 3.	
Huddersfield and Sheffield Junction	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.	May 28.	May 30.	June 5.	June 16.	June 30.
Hull and Gainsborough	[*Railway*]	Mar. 7.							
Hull and Selby (Bridlington Branch)	[*Railway*]	Feb. 6.	Feb. 20.	Feb. 24.	May 30.	June 2.	June 13.	June 23.	June 30.
Hungerford and Lambeth	[*Suspension Foot Bridge*]	Feb. 28.	Mar. 20.	Apr. 14.	May 7.	May 8.	May 19.	May 30.	June 30.
Irish Great Western (Dublin to Galway)	[*Railway*]	Mar. 10.	May 8.	May 23.					
Kendal	[*Reservoirs*]	Feb. 28.	Mar. 13.	Apr. 23.	June 16.	June 16.	June 19.	June 26	
Kendal and Windermere	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.	June 5.	June 5.	June 13.	June 23.	June 30.
Keyingham	[*Drainage*]	Feb. 27.	Mar. 20.	Apr. 9.	June 26.	June 26.	July 1.		
Kidwelly	[*Inclosure*]	Feb. 27.	Mar. 12.	Apr. 16.	June 9.	June 9.	June 12.	June 26.	
Kingston upon Hull	[*Docks*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 15.	Apr. 17.	Apr. 28.	May 8.
Kingstown and Bray	[*Railway*]	Mar. 5.							
Labouring Classes Improvement	[*Society*]	Feb. 6.	Feb. 19.						
Lady's Island and Tacumshin	[*Embankment*]	Feb 28.	Apr. 17.	May 23.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Lancaster and Carlisle	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.	June 13.	June 13.	June 23.	July 1.	
Launceston and South Devon	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					
Leeds and Bradford Extension (Shipley to Colne)	[*Railway*]	Feb. 6.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 5.	June 16.	June 30.
Leeds and Bradford Railway	[*Mistake Rectifying*]	Lords Bill.							
Leeds and Thirsk	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.	June 13.	June 16.	June 24.		
Leeds and West Riding Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 5.	June 5.	June 13.		
Leeds, Dewsbury, and Manchester Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 5.	June 16.	June 30.
Leicester Freemen's	[*Allotments*]	Feb. 11.	Feb. 27.	Mar. 13.	June 5.	June 5.	June 9.	June 17.	June 30.
Liverpool	[*Docks*]	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 24.	May 2.	May 6.	May 19.	May 20.
Liverpool and Bury (Bolton Wigan, and Liverpool and Bury Extension)	[*Railway*]	Feb. 28.	Apr. 4.	Apr. 21.	June 26.	June 26.			
Liverpool Guardian	[*Gas*]	Feb. 25.	Mar. 12.	Mar. 18.					
Liverpool and Manchester	[*Railway*]	Apr. 9.	May 1.	May 16.	June 27.	June 27.			
Liverpool and Manchester, North Union, Bolton and Leigh, and Kenyon and Leigh Junction Railway Companies Amalgamation		May 19.							
Liverpool, Ormskirk, and Preston	[*Railway*]	Apr. 9.							
Liverpool, Ormskirk, and Preston (Skelmersdale Branch)	[*Railway*]	Apr. 9.							
London and Birmingham	[*Railway*]	Mar. 20.							
London and Brighton (Dorking Branch)	[*Railway*]	Apr. 3.							
London and Brighton (Horsham Branch)	[*Railway*]	Apr. 15.	May 1.	May 9.	June 20.	June 23.	July 1.		

TITLE OF BILL.	PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
London and Brighton (Wandsworth Branch)	[*Railway*]	Apr. 3.	June 2.	June 13.					
London and Croydon (Chatham and Gravesend)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Chatham to Chilham)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon Enlargement, Orpington Branch	[*Railway*]	Mar. 5.	Withdrawn.						
London and Croydon (Kentish Lines)	[*Railway*]	Mar. 5.							
London and Croydon (Maidstone, Ashford, and Tonbridge)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Orpington Branch)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon	[*Railway Enlargement*]	Mar. 20.	May 5.	May 15.					
London and Greenwich	[*Railway*]	Feb. 27.	Mar. 12.	Apr. 23.	June 10.	June 10.	June 13.	June 26.	
London and Norwich Direct	[*Railway*]	Mar. 31.	Apr. 28.	May 5.					
London and South Western (Epsom Branch)	[*Railway*]	Apr. 3.							
London and South Western (Metropolitan Extension)	[*Railway*] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.					
London and South Western	[*Railway*] (No. 2)	Feb. 28.	Mar. 13.	Mar. 31.	July 2.	July 3.			
London and Worcester and South Staffordshire (Dudley and Sedgley Branch	[*Railway*]	Mar. 19.	Apr. 17.	May 2.					
London and York	[*Railway*]	Feb. 6.	Feb. 21.	Mar. 3.					
London, Chatham, and North Kent	[*Railway*]	Feb. 28.	Apr. 28.	May 2.					
Londonderry and Coleraine	[*Railway*]	Apr. 3.	May 7.	May 19.	June 17.	June 23.			
Londonderry and Enniskillen	[*Railway*]	Apr. 3.	May 2.	May 9.	June 17.	June 23.	July 1.		

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
London Orphan . . . [*Asylum*] . . .	Feb. 26.	Mar. 12.	Mar. 31.	Apr. 24.	Apr. 24.	Apr. 28.	May 5.	May 8.
London, Worcester, and South Staffordshire (Extension from Dudley to Wolverhampton [*Railway*] . .	Mar. 20.	Apr. 23.	May 2.					
London, Worcester, and South Staffordshire . . . [*Railway*] . .	Feb. 14.	Mar. 7.	Mar. 14.					
Lowestoft . . . . [*Railway & Harbour*].	Feb. 27.	Mar. 14.	Apr. 4.	June 6.	June 6.	June 13.	June 19.	June 30.
Lutwidge's (or Fletcher's) [*Estate*] . . .	Lords Bill	...	...	...	June 3.	June 12.		
Lyme Regis . [*Improvem. Mark. & Waterw.*]	Feb. 28.	Apr. 4.	Apr. 18.	June 24.	June 24.	June 27.		
Lynn and Dereham . . [*Railway*] . .	Mar. 20.	Apr. 7.	Apr. 21.	June 23.	June 23.	July 1.		
Lynn and Ely . . . . [*Railway*] . .	Feb. 14.	Mar. 4.	Mar. 10.	May 30.	June 6.	June 12.	June 24.	June 30.
Manchester . . [*Court of Record*] (No. 1) .	Feb. 28.	Mar. 14.	Withdrawn.					
Manchester . . [*Court of Record*] (No. 2) .	Motion.	Apr. 25.	May 7.	June 11.	June 12.	June 16.	June 26.	
Manchester . . . . [*Improvement*] .	Feb. 28.	Mar. 19.	Apr. 14.	June 11.	June 12.	June 16.	July 1.	
Manchester and Birmingham (Ashton Branch) . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.	June 19.	June 19.	July 1.		
Manchester and Buxton . . [*Railway*] . .	Feb. 13.							
Manchester and Leeds . . [*Railway*] (No. 1) .	Feb. 5.	Feb. 19.	Feb. 24.	Withdrawn.				
Manchester and Leeds [*Railway*] (No. 2) . .	Motion.							
Manchester and Leeds (Burnley Branch and Oldham and Heywood Branches Extension) [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.	June 13.	June 23.	June 30.
Manchester and Salford . . [*Waterworks*] . .	Feb. 17.	Mar. 4.	Mar. 10.	Withdrawn.				
Manchester, Bury, and Rossendale [*Railway*] . .	Feb. 27.	Mar. 13.	Apr. 8.	June 23.	June 23.	June 26.	July 3.	
Manchester, Bury, and Rossendale (Heywood Branch) . [*Railway*] . .	Feb. 14.	Feb. 28.	Mar. 4.	Withdrawn.				
Manchester Division [*Stipendiary Magistrate*] .	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 16.	Apr. 17.	Apr. 21.	Apr. 25.	May 8.
Manchester, Leeds, and Hull Associated . . . . [*Railway Companies*]	Feb. 28.	Mar. 19.	Withdrawn.					
Manchester, Sheffield, and Midland Junction . . [*Railway*] . .	Mar. 7.	Mar. 20.	Apr. 15.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Manchester South Junction and Altrincham	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.	June 23.	June 23.	July 1.		
Marsh's (or Coxhead's)	[*Estate*]	Lords Bill.							
Middlesbro' and Redcar	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 8.	June 30.	June 30.			
Middlesex	[*County Rate*]	Feb. 26.	Mar. 20.	Apr. 14.	May 5.	May 6.	May 16.	May 22.	June 30.
Midland Branches	[*Railway*]	Mar. 6.	Mar. 20.						
Midland (Ely to Lincoln)	[*Railways*]	Feb. 27.	Mar. 13.	Mar. 31.					
Midland (Nottingham to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 2.	June 10.	June 24.	June 30.
Midland Railways Company (Birmingham and Gloucester and Bristol and Gloucester)	[*Railways Purchase*]	Mar. 20.							
Midland (Swinton to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.					
Midland (Syston to Peterboro')	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 3.	June 13.	June 24.	June 30.
Molyneux's	[*Estate*] L.	Lords Bill.	May 19.	June 2.	June 18.	Apr. 22.	Apr. 25.	May 19.	June 30.
Molyneux (or Follett's)	[*Estate*]	Lords Bill.	...	...	. .	June 23.	June 30.		
Monkland and Kirkintilloch	[*Railway*]	Feb. 5.	Feb. 25.	Mar 3.	June 16.	June 16.	June 19.	June 24.	June 30.
Monmouth and Hereford	[*Railway*]	Mar. 5.	Apr. 10.	Apr. 22.					
Monson's (Lord)	[*Estate*]	Lords Bill.	June 27.	...	...	May 16.	May 20.	June 26.	
Morden College	[*Estate*]	Lords Bill.	June 26.	...	...	May 8.	May 16.	June 26.	
Newark and Sheffield	[*Railway*]	Feb. 26.	Mar. 12.	Mar. 17.					
Newcastle and Berwick	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.	June 11.	June 12.	June 23.		
Newcastle and Darlington (Brandling Junction)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.	June 16.	June 16.	June 24.	July 1.	
Newcastle upon Tyne	[*Coal Turn*]	Feb. 18.	Mar. 13.	Apr. 4.	June 5.	June 12.	June 16.	June 24.	June 30.
Newcastle upon Tyne	[*Port*]	Feb. 28.	Mar. 13.	Apr. 1.	May 5.	May 5.	May 8.	May 30.	June 30.
Newcastle upon Tyne and North Shields (Tynemouth Extension, &c.)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 1.	June 10.	June 10.	June 19.	June 26.	June 30.
Newport and Pontypool	[*Railway*]	Feb. 24.	Mar. 12.	Apr. 11.	July 1.	July 3.			
Newry and Enniskillen	[*Railway*]	Mar. 7.	Apr. 11.	Apr. 25.	June 27.	June 27.			
North British	[*Insurance Company*]	Feb. 28.	Mar. 20.	Apr. 14.	June 17.	June 17.	June 19.	June 26.	June 30.

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
North British	[*Railway*]	Feb. 18.	Mar. 10.	Mar. 17.	June 6.	June 6.	June 13.	June 26.	
Northumberland	[*Railway*]	Mar. 4.	Apr. 7.	Apr. 21.					
North Union and Ribble Navigation Branch	[*Railway*]	Mar. 5.	Mar. 19.	Apr. 14.	June 27.	June 27.			
North Wales	[*Railway*]	Mar. 20.	Apr. 16.	Apr. 28.	June 19.	June 19.	June 30.		
North Wales Mineral	[*Railway*]	Apr. 8.	Apr. 28.	May 5.	June 20.	June 23.	July 1.		
North Walsham School	[*Estate*]	Lords Bill.	...	...	...	June 4.	June 23.		
North Woolwich	[*Railway*]	Feb. 27.	Mar. 18.	Apr. 7.	June 19.	June 19.	June 27.	July 3.	
Norwich and Brandon Deviation (and Diss and Dereham) Branches	[*Railway*]	Feb. 6.	Feb. 27.	Mar. 3.					
Nottingham	[*Inclosure*]	Feb. 28.	Mar. 13.	Apr. 1.	May 7.	May 8.	May 19.	June 4.	June 30.
Nottingham	[*Waterworks*]	Feb. 10.	Feb. 25.	Mar. 3.	May 23.	May 26.	June 2.	June 10.	June 30.
Onslow's (Earl of) or Elleker's	[*Estate*]	Lords Bill.	June 27.	...	...	May 23.	May 30.	June 26.	
Oxford	[*Mileways*]	Feb. 24.	Mar. 12.						
Oxford and Rugby	[*Railway*]	Feb. 20.	Mar. 5.	Mar. 10.	June 24.	June 24.			
Oxford, Worcester, and Wolverhampton	[*Railway*]	Mar. 6.	Mar. 19.	Apr. 8.	June 24.	June 24.			
Paisley	[*Gas*]	Feb. 21.	Mar. 12.	Mar. 31.	Apr. 25.	Apr. 28.	May 2.	June 3.	June 30.
Plymouth and Stonehouse	[*Gas*]	Feb. 6.	Feb. 19.	Mar. 3.	Apr. 21.	...	May 5.	May 22.	June 30.
Portarlington and Tullamore	[*Railway*]	Apr. 10.							
Powis's (Earl of) or Robinson's	[*Estate*]	Lords Bill.							
Preston and Wyre	[*Railway Branches*	Mar. 20.	Apr. 10.	Apr. 22.	June 30.	June 30.			
Pudsey	[*Gas*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 2.	Apr. 3.	Apr. 5.	May 19.	June 30.
Quinborowe	[*Borough*]	Feb. 28.	Mar. 19.	Apr. 14.	June 6.	June 6.	June 24.		
Reversionary Interest	[*Society*] (No. 1)	Feb. 28.							
Reversionary Interest	[*Society*] (No. 2)	Apr. 9.	Apr. 23.	Apr. 30.	June 16.	June 16.	June 24.		
Richmond (Surrey)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	June 27.	June 27.			
Rochdale Vicarage (Molesworth's)	[*Estate*]	Lords Bill.	June 16.	June 27.	...	May 8.	May 19.	June 16.	
Rothwell	[*Gaol*]	Motion.	June 30.						
Royal Naval	[*School*]	Feb. 28.	Mar. 19.	Apr. 14.	May 5.	May 6.	May 16.	May 26.	June 30.

PRIVATE BILLS—*Continued.*

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Runcorn and Preston Brook . [*Railway and Docks*]	Mar. 17.	Apr. 10.	Apr. 28	July 1.	July 1.			
Rye and Tenterden . . [*Railway*] . .	Mar. 5.	Mar. 19.	Apr. 8.					
St. Helen's . . . . [*Canal and Railway*]	Feb. 28.	Mar. 13.	Apr. 4.					
St. Helen's . . . . [*Improvement*] . .	Feb. 25.	Mar. 12.	Apr. 4.	June 23.	June 30.			
St. Ives Junction . . [*Railway*] . .	Mar. 20.	Apr. 8.	Apr. 21.					
St. Matthew, Bethnal Green . [*Rectory*] . .	Feb. 28.	Mar. 18.	Apr. 18.					
Sampson's . . . . [*Estate*] . . .	Lords Bill.	...	...		June 13.	June 24.		
Sandy's (Lady) or Turner's . [*Estate*] . . .	Lords Bill.	June 17.	June 24.	...	May 2.	May 6.	June 17.	
Scarborough . . . . [*Waterworks*] . .	Feb. 19.	Mar. 5.	Mar. 10.	May 16.	May 16.	May 20.	May 30.	June 30.
Scottish Central . . . [*Railway*] . .	Feb. 11.	Mar. 4.	Mar. 10.	June 2.	June 2.	June 9.		
Scottish Midland Junction . [*Railway*] . .	Mar. 19.	Apr. 9.	Apr. 22.	June 30.	June 30.			
Severne's . . . . [*Estate*] . . .	Lords Bill.				June 16.	June 19.		
Shaw's . . . . . [*Waterworks*] . .	Feb. 25.	Mar. 17.	Apr. 4.	June 17.	June 17.	June 23.	June 27.	June 30.
Sheffield . . . . [*Waterworks*] . .	Feb. 18.	Mar. 5.	Mar. 17.	June 26.	June 26.	June 30.		
Sheffield & Lincolnshire Junction [*Railway*] . .	Feb. 11.	Mar. 12.	Mar. 17.					
Sheffield and Rotherham . [*Railway*] . .	Mar. 6.	Mar. 31.	Apr. 28.	June 16.	June 16.	June 24.	June 30.	
Sheffield and Tinsley . . [*Canal*] . . .	Feb. 27.	Mar. 12.	Apr. 14.					
Sheffield Ashton-under-Lyne and Manchester . . [*Railway*] . .	Feb. 27.	Mar. 12.	Mar 31.	Withdrawn.				
Shelsley . . . . [*Road*] . . .	Feb. 25.	Mar. 12.	Mar. 17.	Apr. 24.	Apr. 24.	Apr. 28.	May 6.	May 8.
Shepley Lane Head & Barnsley [*Road*] . . .	Feb. 28.	Mar. 14.	Apr. 7.	June 30.	June 30.	July 3.		
Shrewsbury and Birmingham . [*Railway*] . .	Feb. 6.							
Shrewsbury and Grand Junction [*Railway*] . .	Mar. 18.							
Shrewsbury, Oswestry, and Chester Junction . . [*Railway*] . .	Feb. 28.	Mar. 13.	Mar. 31.	May 28.	May 30.	June 12.	June 19.	June 30.
Shuldam's . . . . [*Divorce*] . .	Lords Bill.							
Simmonds' . . . . [*Divorce*] . .	Lords Bill.	...	...	...	June 12.			
Skerries . . . . [*Harbour*] . .	Feb. 28.	May 16.						
Southampton . . . [*Docks*] . . .	Feb. 14.	Mar. 3.	Mar. 10.	May 15.	May 16.	May 20.	May 30.	June 30.
Southampton and Dorchester . [*Railway*] . .	Mar. 4.	Apr. 4.	Apr. 21.	June 2.	June 2.	June 16.	July 1.	
South Devon (Tavistock and other Branches) . . . [*Railway*] . .	Feb. 24.	Mar. 11.	Mar. 17.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
South Eastern	[*Railway*]	Feb. 18.							
South Eastern (Ashford to Hastings	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
South Eastern (Branch to Deal, and Extension of the South Eastern, Canterbury, Ramsgate and Margate)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.					
South Eastern (Hungerford Bridge to Chilham with Branches)	[*Railway*]	Mar. 20.							
South Eastern (Lewisham to Tunbridge and Paddock Wood)	[*Railway*]	Mar. 20.							
South Eastern (Maidstone to Rochester)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.					
South Eastern (Tunbridge to Tunbridge Wells)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
South Eastern (Widening and Extension of the London and Greenwich)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
Southport and Euxton Junction	[*Railway*]	Mar. 4.	Mar. 19.	Apr. 14.					
South Wales	[*Railway*]	Feb. 26.	Mar. 19.	Apr. 11.					
Southwark and Vauxhall	[*Waterworks*]	Feb. 27.	Mar. 12.	Mar. 18.	May 5.	May 6.	May 16.	May 22.	June 30.
Sparrows Herne	[*Road*]	Feb. 7.	Feb. 20.	Feb. 25.	Apr. 4.	Apr. 7.	Apr. 11.	Apr. 17.	May 8.
Spoad (Clun), &c.	[*Inclosure*]	Feb. 26.	Apr. 7.	Apr. 23.	June 2.	June 2.	June 4.	June 10.	June 30.
Staines and Richmond	[*Railway*]	Apr. 2.							
Stalybridge	[*Waterworks*]	Feb. 24.	Mar. 11.	Mar. 19.	June 19.	June 19.			
Standard Life Assurance	[*Company*]	Feb. 19.	Mar. 12.	Mar. 31.	May 23.	May 26.	June 2.	June 10.	June 30.
Stokenchurch	[*Road*]	Feb. 26.	Mar. 14.	Apr. 4.	June 2.	June 2.	June 4.	June 16.	June 30.
Stoke upon Trent	[*Market*]	Feb. 28.	Mar. 13.	Apr. 4.	May 9.	May 16.	May 20.	May 23.	June 30.

TITLE OF BILL. PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Sunderland, Durham, and Auckland Union . . [*Railway*] . .	Apr. 17.							
Surrey Iron Railway . [*Company Dissolving*] .	Feb. 24.							
Surrey and Sussex . . . [*Roads*] . .	Feb. 19.	Mar. 5.	Mar. 10.	May 2.	May 2.	May 6.	May 16.	May 20.
Taff Vale . . . . [*Railway*] . .	May 19.							
Taunton . . . . [*Gas*] . . .	Feb. 12.	Feb. 26.	Apr. 10.	June 2.	June 2.	June 4.	June 23.	June 30.
Taw Vale . . . . [*Railway & Dock*] .	Feb. 28.	Mar. 19.	Apr. 14.	June 16.	June 16.	June 30.		
Thames and Medway . . [*Canal*] . .	Feb. 14.							
Thames Navigation . . . [*Debt*] . . .	Feb. 10.	Feb. 25.	Mar. 3.	Apr. 10.	Apr. 11.	Apr. 15.	Apr. 18.	Apr. 24.
Totness . . [*Markets & Waterworks*] (No. 1) .	Feb. 28.	Apr. 4.	Withdrawn.					
Totness . . [*Markets & Waterworks*] (No. 2.) .	Motion.	Apr. 16.	Apr. 28.	June 24.	June 24.	June 27.		
Tottenham and Farringdon Street Extension . . [*Railway*] . .	Apr. 4.	May 2.	May 16.					
Tranmere . . . . [*Docks*] . .	Feb. 28.					June 27.		
Trent Valley . . . [*Railway*] . .	Feb. 20.	Mar. 6.	Mar. 11.	June 9.	June 10.	July 1.		
Ulster Extension . . . [*Railway*] . .	Feb. 14.	Mar. 5.	Mar. 10.	June 23.	June 23.			
Wakefield, Pontefract, and Goole [*Railway*] . .	Feb. 5.	Feb. 26.	Mar. 3.	June 30.	June 30.			
Wallasey . . . . [*Improvement*] .	Feb. 14.	Feb. 27.	Mar. 4.	Apr. 21.	Apr. 21.	Apr. 25.	Apr. 29.	May 8.
Waterford and Kilkenny . [*Railway*] . .	Feb. 20.	Mar. 17.	Apr. 4.	June 16.	June 16.	June 24.	July 1.	
Waterford and Limerick . [*Railway*] . .	Mar. 7.	Apr. 23.	Apr. 30.	June 19.	June 19.			
Waterman's Company [*Poor's & Endowment Fund*] .	Feb. 27.	Mar. 12.	Apr. 15.	May 29.	May 30.	June 3.	June 16.	June 30.
Wear Valley . . . . [*Railway*] . .	Feb. 27.	Mar. 19.	Apr. 8.	June 30.	June 30.			
Wells and Dereham . . [*Railway*] . .	Mar. 20.							
West Cornwall . . . [*Railway*] . .	Feb. 18.	Mar. 5.	Mar. 10.					
West London . . . [*Railway*] . .	Apr. 21.	May 26.	June 2.	June 26.	June 26.			
Westminster . . . [*Improvement*] (No. 1) .	Feb. 28.	Mar. 19.	Withdrawn					
Westminster . . . [*Improvement*] (No. 2) .	Motion.	Apr. 16.	May 5.	June 26.	June 26.	June 30.		
Westminster's (Marquess of) . [*Estate*] . . .	Lords Bill							
West of London and Westminster . . . . [*Cemetery*] . .	Feb. 21.	Mar. 10.	Mar. 18.	June 9.	June 10.	June 13.	June 23.	June 30.
West Yorkshire . . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ. 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Wexford, Carlow, and Dublin Junction	[*Railway*]	Mar. 3.	Apr. 11.	Apr. 25.					
Whitby and Pickering	[*Railway*]	Feb. 7.	Feb. 27.	Mar. 4.	May 30.	June 2.	June 12.	June 23.	June 30.
Whitehaven and Furness Junction	[*Railway*]	Apr. 15.	May 9.	May 15.	June 19.	June 19.	June 27.	July 3.	
White's (Sir Thomas) Charity	[*Estate*]	Lords Bill.	June 30.	...	...	May 2.	May 16.	June 27.	
Whittle Dean	[*Waterworks*]	Feb. 28.	Mar. 19.	Apr. 14.	May 26.	May 26.	June 2.	June 10.	June 30.
Wilts, Somerset, and Weymouth	[*Railway*]	Mar. 3.	Apr. 7.	Apr. 21.	May 29.	May 30.	June 10.	June 24.	June 30.
Winchester College	[*Estate*]	Lords Bill.							
Winwick	[*Rectory*]	Feb. 24.	Mar. 13.	Apr. 1.	May 5.	May 6.	May 19.	July 3.	
Wolverhampton	[*Waterworks*]	Feb. 28.	Mar. 17.	Apr. 4.	June 19.	June 19.	June 24.	June 30.	
Yarmouth and Norwich	[*Railway*]	Feb. 28.	Mar. 19.	Apr. 14.	June 6.	June 6.	June 13.	June 19.	June 30.
Yoker	[*Road*] (No. 1)	Feb. 21.	Mar. 17.	Apr. 4.	June 2.	June 2.	June 17.		
Yoker	[*Road*] (No. 2)	Motion.	June 30.						
York and North Midland (Bridlington Branch)	[*Railway*]	Feb. 14.	Feb. 28.	Mar. 5.	May 30.	June 2.	June 10.	June 23.	June 30.
York and North Midland (Doncaster Extension)	[*Railway*]	Feb. 27.	Mar. 12.	Mar. 18.					
York and North Midland (Goole Branch)	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
York and North Midland (Harrogate Branch	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 18.	June 13.	June 13.	June 23.	June 27.	
York and Scarborough (Deviation)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 30.	June 2.	June 10.	June 17.	June 30.

END OF VOL. LXXXI.—FIFTH VOLUME OF SESSION 1845.